

105TH CONGRESS
1ST SESSION

H. R. 1385

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. McKEON (for himself, Mr. GOODLING, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Employment, Training,
5 and Literacy Enhancement Act of 1997”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into two divi-
9 sions as follows:

1 (1) Division A—Employment, Training, and
2 Literacy Programs.

3 (2) Division B—Vocational Rehabilitation Pro-
4 grams.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Definitions.

Subtitle B—State and Local Administrative Provisions

Sec. 111. State administrative provisions.
Sec. 112. Local administrative provisions.

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

Sec. 121. General program requirements.
Sec. 122. Benefits.
Sec. 123. Labor standards.
Sec. 124. Grievance procedure.
Sec. 125. Identification of additional imposed requirements.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

Sec. 131. Performance accountability provisions.

CHAPTER 3—OTHER PROVISIONS

Sec. 141. Prompt allocation of funds.
Sec. 142. Fiscal controls; sanctions.
Sec. 143. Reports; recordkeeping; and investigations.
Sec. 144. Administrative adjudication.
Sec. 145. Nondiscrimination.
Sec. 146. Judicial review.
Sec. 147. Administrative provisions.

- Sec. 148. Presidential awards for outstanding private sector involvement in job training programs.
- Sec. 149. Construction.
- Sec. 150. Limitation on certain costs.

Subtitle D—Miscellaneous Provisions

- Sec. 161. Criminal provisions.
- Sec. 162. Reference.
- Sec. 163. Repealers.

TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH

- Sec. 201. Adult training program.
- Sec. 202. Summer youth employment and training program.
- Sec. 203. Disadvantaged youth employment and training opportunities grants.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

- Sec. 301. Adult employment and training opportunities grants.

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers

- Sec. 401. Native American program.
- Sec. 402. Migrant and seasonal farmworker program.

Subtitle B—Job Corps

- Sec. 411. Statement of purpose.
- Sec. 412. Individuals eligible for the Job Corps.
- Sec. 413. Screening and selection of applicants; general provisions.
- Sec. 414. Job Corps centers.
- Sec. 415. Standards of conduct.
- Sec. 416. Counseling and job placement.
- Sec. 417. Experimental and developmental projects and coordination with other programs.

Subtitle C—National Activities

- Sec. 421. Research, demonstration, evaluation, and capacity building.
- Sec. 422. Nontraditional employment demonstration program.

Subtitle D—Repealers

- Sec. 451. Repealers.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

- Sec. 501. Repeal of Jobs for Employable Dependent Individuals Incentive Bonus Program.
- Sec. 502. Transfer and Amendment of Adult Education Act.
- Sec. 503. Repeal of National Literacy Act of 1991.
- Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Repealers.
- Sec. 602. Conforming amendments.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE
INVESTMENT COUNCIL

- Sec. 701. Amendments to Council.
- Sec. 702. Transfer of Council.
- Sec. 703. Conforming amendments.

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

- Sec. 801. Definitions.
- Sec. 802. Functions.
- Sec. 803. Designation of State agencies.
- Sec. 804. Appropriations.
- Sec. 805. Disposition of allotted funds.
- Sec. 806. State plans.
- Sec. 807. Federal advisory council.
- Sec. 808. Regulations.
- Sec. 809. Effective date.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments to the Job Training Partnership Act

- Sec. 901. Short title; table of contents.
- Sec. 902. Definitions.
- Sec. 903. Amendments to title I.
- Sec. 904. Amendments to title IV.
- Sec. 905. Amendments to title VI.

Subtitle B—Amendments to Other Acts

- Sec. 911. Amendments to other Acts.

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

- Sec. 1001. Effective date.
- Sec. 1002. Transition provisions.

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

- Sec. 2101. Rehabilitation Services Administration.
- Sec. 2102. Definitions.

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION
SERVICES

Subtitle A—General Provisions

- Sec. 2201. Declaration of policy; authorization of appropriations.
- Sec. 2202. State plans.
- Sec. 2203. Individualized written rehabilitation program.
- Sec. 2204. Scope of vocational rehabilitation services.

- Sec. 2205. State Rehabilitation Advisory Council.
- Sec. 2206. Evaluation standards and performance indicators.
- Sec. 2207. Monitoring and review.

Subtitle B—Basic Vocational Rehabilitation Services

- Sec. 2211. State allotments.
- Sec. 2212. Payments to States.
- Sec. 2213. Client assistance program.

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

- Sec. 2221. Authorization of appropriations.
- Sec. 2222. National Institute on Disability and Rehabilitation Research.

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

- Sec. 2231. Training.
- Sec. 2232. Repealers.
- Sec. 2233. Authorization of appropriations.

Subtitle B—Special Projects and Supplementary Services

- Sec. 2241. Special demonstration programs.
- Sec. 2242. Migratory workers.
- Sec. 2243. Repealers.
- Sec. 2244. Special recreational programs.

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

- Sec. 2251. Authorization of appropriations.

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

- Sec. 2261. Employment of individuals with disabilities.
- Sec. 2262. Architectural and Transportation Barriers Compliance Board.
- Sec. 2263. Protection and advocacy of individual rights.

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

- Sec. 2271. Authorization of appropriations.
- Sec. 2272. Repealers.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

- Sec. 2281. Authorization of appropriations.
- Sec. 2282. Program authorization for centers for independent living.

TITLE XXIX—REPEAL OF SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

- Sec. 2291. Repealer.

Sec. 2295. Effective date.

1 **DIVISION A—EMPLOYMENT,**
2 **TRAINING, AND LITERACY**
3 **PROGRAMS**

4 **TITLE I—AMENDMENTS TO GEN-**
5 **ERAL PROVISIONS AND PRO-**
6 **GRAM REQUIREMENTS**

7 **Subtitle A—General Provisions**

8 **SEC. 101. STATEMENT OF PURPOSE.**

9 Section 2 of the Job Training Partnership Act (29
10 U.S.C. 1501) is amended to read as follows:

11 **“SEC. 2. STATEMENT OF PURPOSE.**

12 “The purpose of this Act is to transform the current
13 array of Federal employment, training, and adult edu-
14 cation and literacy programs from a collection of frag-
15 mented and duplicative categorical programs into high
16 quality, coherent, and accountable State and local systems
17 that are designed—

18 “(1) to provide high quality training for today
19 and for the 21st century;

20 “(2) to empower individuals to choose occupa-
21 tions and training programs, based on accurate and
22 up-to-date information, that will develop more fully
23 their academic, occupational, and literacy skills,

1 leading to productive employment and economic self-
2 sufficiency, and reduction in welfare dependency;

3 “(3) to provide resources and authority to
4 States and local communities and increase ease of
5 access to high quality employment, training, and lit-
6 eracy programs;

7 “(4) to meet the needs of employers in the
8 United States to be competitive; and

9 “(5) to ensure an adequate return on the in-
10 vestment of funds in employment, training, and lit-
11 eracy programs through strong program accountabil-
12 ity.”.

13 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 3 of the Job Training Partnership Act (29
15 U.S.C. 1502) is amended to read as follows:

16 **“SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) IN GENERAL.—There are authorized to be ap-
18 propriated the following amounts for the following pur-
19 poses (in addition to amounts otherwise available for such
20 purposes):

21 “(1) TITLE II.—Such sums as may be nec-
22 essary for each of the fiscal years 1999 through
23 2003 to carry out title II.

1 “(2) TITLE III.—(A) Such sums as may be nec-
2 essary for each of the fiscal years 1999 through
3 2003 to carry out section 312(a)(1).

4 “(B) Such sums as may be necessary for each
5 of the fiscal years 1999 through 2003 to carry out
6 section 312(a)(2).

7 “(3) PARTS A, C, D, AND E OF TITLE IV.—Sub-
8 ject to subsection (b), such sums as may be nec-
9 essary for each of the fiscal years 1999 through
10 2003 to carry out parts A, C, D, and E of title IV.

11 “(4) PART B OF TITLE IV.—Such sums as may
12 be necessary for each of the fiscal years 1999
13 through 2003 to carry out part B of title IV.

14 “(b) RESERVATIONS.—Of the amount appropriated
15 under subsection (a)(3) for a fiscal year—

16 “(1) \$70,000,000 shall be reserved for carrying
17 out section 401;

18 “(2) \$70,000,000 shall be reserved for carrying
19 out section 402; and

20 “(3) the remainder shall be reserved for carry-
21 ing out parts C, D, and E of title IV.

22 “(c) REALLOTMENT.—

23 “(1) IN GENERAL.—The Secretary of Labor
24 shall, in accordance with this subsection, realLOT to
25 eligible States amounts appropriated for programs

1 authorized under titles II and title III of this Act
2 that are available for reallocation.

3 “(2) AMOUNT.—The amount available for real-
4 lotment is equal to the amount by which the unobli-
5 gated balance of the State allotment under title II
6 or title III, respectively, at the end of the program
7 year prior to the program year for which the deter-
8 mination under this paragraph is made exceeds 15
9 percent of such allotment for the prior program
10 year.

11 “(3) REALLOTMENT.—In making reallocations
12 to eligible States of amounts available pursuant to
13 paragraph (2) for a program year, the Secretary
14 shall allot to each eligible State an amount based on
15 the relative amount allotted to such State under title
16 II or title III, respectively, for the prior program
17 year as compared to the total amount allotted to all
18 eligible States under title II or title III, respectively,
19 for such prior program year.

20 “(4) ELIGIBILITY.—For purposes of this sub-
21 section, an eligible State means a State which has
22 obligated at least 85 percent of its allocations under
23 title II or title III, respectively, for the program year
24 prior to the program year for which the determina-
25 tion under this subsection is made.

1 “(5) PROCEDURES.—The Governor of each
 2 State shall prescribe uniform procedures for the obli-
 3 gation of funds by workforce development areas
 4 within the State in order to avoid the requirement
 5 that funds be made available for reallocation under
 6 this subsection. The Governor shall further prescribe
 7 equitable procedures for making funds available
 8 from the State and workforce development areas in
 9 the event that a State is required to make funds
 10 available for reallocation under this paragraph.”.

11 **SEC. 103. DEFINITIONS.**

12 Section 4 of the Job Training Partnership Act (29
 13 U.S.C. 1503) is amended—

14 (1) by amending paragraph (1) to read as fol-
 15 lows:

16 “(1) ADULT EDUCATION AND LITERACY ACTIVI-
 17 TIES.—The term ‘adult education and literacy activi-
 18 ties’ means the activities authorized under section
 19 515.”;

20 (2) by striking paragraph (2);

21 (3) by inserting after paragraph (1) the follow-
 22 ing:

23 “(2) APPROPRIATE SECRETARY.—The term ‘ap-
 24 propriate Secretary’ means—

1 “(A) the Secretary of Labor, with respect
2 to programs authorized under titles II, III, and
3 IV of this Act; and

4 “(B) the Secretary of Education, with re-
5 spect to programs authorized under title V of
6 this Act.”;

7 (4) in paragraph (3), by striking “under parts
8 A and C of title II” and inserting “under title II
9 and title III”;

10 (5) in paragraph (4) to read as follows:

11 “(4) CHIEF ELECTED OFFICIAL.—The term
12 ‘chief elected official’ means the chief elected execu-
13 tive officer of a unit of general local government in
14 a workforce development area.”;

15 (6) in paragraph (5) to read as follows:

16 “(5) COMMUNITY-BASED ORGANIZATION.—The
17 term ‘community-based organization’ means a pri-
18 vate nonprofit organization that is representative of
19 a community or a significant segment of a commu-
20 nity and that has demonstrated the ability, or that
21 can demonstrate a capacity, to effectively administer
22 a program under this Act.”;

23 (7) by striking paragraph (6);

24 (8) by inserting after paragraph (5) the follow-
25 ing:

1 “(6) DISLOCATED WORKER.—The term ‘dis-
2 located worker’ means an individual who—

3 “(A)(i) has been terminated or laid off, or
4 who has received a notice of termination or lay-
5 off, from employment;

6 “(ii) is eligible for or has exhausted entitle-
7 ment to unemployment compensation; and

8 “(iii) is unlikely to return to a previous in-
9 dustry or occupation;

10 “(B) has been terminated or laid off, or
11 has received a notice of termination or layoff,
12 from employment as a result of any permanent
13 closure of, or and substantial layoff at, a plant,
14 facility, or enterprise;

15 “(C) has been unemployed long-term and
16 has limited opportunities for employment or re-
17 employment in the same or a similar occupation
18 in the area in which such individual resides;

19 “(D) was self-employed (including a farm-
20 er and a rancher) but is unemployed as a result
21 of general economic conditions in the commu-
22 nity in which the individual resides or because
23 of natural disasters;

24 “(E) is a displaced homemaker; or

1 “(F) has become unemployed as a result of
2 a Federal action that limits the use of, or re-
3 stricts access to, a marine natural resource.”;

4 (9) in paragraph (10) to read as follows:

5 “(10) INDIVIDUAL WITH A DISABILITY.—(A)
6 The term ‘individual with a disability’ means an in-
7 dividual with any disability (as defined in section 3
8 of the Americans with Disabilities Act of 1990 (42
9 U.S.C. 12102)).

10 “(B) The term ‘individuals with disabilities’
11 means more than one individual with a disability.”;

12 (10) by striking paragraph (11);

13 (11) in paragraph (14), by striking “section
14 521(22) of the Carl D. Perkins Vocational Edu-
15 cation Act” and inserting “section 14101 of the Ele-
16 mentary and Secondary Education Act of 1965 (20
17 U.S.C. 8801)”;

18 (12) in paragraph (18), by striking all after
19 “institution of higher education” and inserting “(as
20 such term is defined in section 481 of the Higher
21 Education Act of 1965 (20 U.S.C. 1088)) that con-
22 tinues to meet the eligibility and certification re-
23 quirements under title IV of such Act (20 U.S.C.
24 1070 et seq.).”;

25 (13) by striking paragraph (19);

1 (14) in paragraph (21) to read as follows:

2 “(21) SECRETARIES.—The term ‘Secretaries’
3 means the Secretary of Labor and the Secretary of
4 Education.”;

5 (15) in paragraph (22) to read as follows:

6 “(22) STATE.—The term ‘State’ means each of
7 the several States of the United States, the District
8 of Columbia, and the Commonwealth of Puerto
9 Rico.”;

10 (16) in paragraph (24) to read as follows:

11 “(24) SUPPORTIVE SERVICES.—The term ‘sup-
12 portive services’ means services such as transpor-
13 tation, child care, dependent care, and needs-based
14 payments, that are necessary to enable an individual
15 to participate in programs authorized under title II
16 and title III of this Act, consistent with the provi-
17 sions of such titles.”;

18 (17) in paragraph (27) to read as follows:

19 “(27) VETERAN.—The term ‘veteran’ has the
20 meaning given such term in section 101(2) of title
21 38, United States Code.”;

22 (18) by striking paragraph (35);

23 (19) by striking paragraph (36);

24 (20) in paragraph (37), by striking “post-termi-
25 nation services authorized under sections 204(c)(4)

1 and 264(d)(5) and follow up services authorized
2 under section 253(d)” and inserting “follow up serv-
3 ices authorized under this Act”; and

4 (21) by adding at the end the following:

5 “(41) EMPLOYMENT, TRAINING AND LITERACY
6 PROGRAMS.—The term ‘employment, training and
7 literacy programs’ means programs authorized under
8 titles II, III, and V of this Act.

9 “(42) ENGLISH LITERACY PROGRAM.—The
10 term ‘English literacy program’ means a program of
11 instruction designed to help individuals of limited
12 English proficiency achieve full competence in the
13 English language.

14 “(43) FAMILY LITERACY SERVICES.—The term
15 ‘family literacy services’ means services that are of
16 sufficient intensity in terms of hours, and of suffi-
17 cient duration, to make sustainable changes in a
18 family and that integrate all of the following activi-
19 ties:

20 “(A) Interactive literacy activities between
21 parents and their children.

22 “(B) Training for parents on how to be the
23 primary teacher for their children and full part-
24 ners in the education of their children.

25 “(C) Parent literacy training.

1 “(D) An age-appropriate education pro-
2 gram for children.

3 “(44) FULL SERVICE ELIGIBLE PROVIDERS.—
4 The term ‘full service eligible provider’ means a pro-
5 vider designated under section 123(c).

6 “(45) HUMAN RESOURCE PROGRAMS.—The
7 term ‘human resource programs’ means programs
8 identified under section 103 of this Act.

9 “(46) INDIVIDUAL OF LIMITED ENGLISH PRO-
10 FICIENCY.—The term ‘individual of limited English
11 proficiency’ means an individual—

12 “(A) who has limited ability in speaking,
13 reading, or writing the English language; and

14 “(B)(i) whose native language is a lan-
15 guage other than English; or

16 “(ii) who lives in a family or community
17 environment where a language other than Eng-
18 lish is the dominant language.

19 “(47) LITERACY.—The term ‘literacy’ used
20 with respect to an individual, means the ability of
21 the individual to speak, read, and write English, and
22 compute and solve problems, at levels of proficiency
23 necessary—

24 “(A) to function on the job, in the family
25 of the individual, and in society;

1 “(B) to achieve the goals of the individual;
2 and

3 “(C) to develop the knowledge potential of
4 the individual.

5 “(48) LOCAL BENCHMARKS.—The term ‘local
6 benchmarks’ means the expected level of perform-
7 ance of a local workforce development area estab-
8 lished pursuant to section 153(b).

9 “(49) LOCAL BOARD.—The term ‘local board’
10 means a local workforce development board estab-
11 lished under section 122.

12 “(50) LOCAL WORKFORCE DEVELOPMENT
13 AREA.—The term ‘local workforce development area’
14 means an area designated under section 121(a).

15 “(51) ON-THE-JOB TRAINING.—The term ‘on-
16 the-job training’ means training by an employer that
17 is provided to a paid participant while engaged in
18 productive work in a job that—

19 “(A) provides knowledge or skills essential
20 to the full and adequate performance of the job;

21 “(B) provides reimbursement to employers
22 of up to 50 percent of the wage rate of the par-
23 ticipant, for the extraordinary costs of provid-
24 ing the training and additional supervision re-
25 lated to the training; and

1 “(C) is limited in duration as appropriate
2 to the occupation for which the participant is
3 being trained, taking into account the content
4 of the training, the prior work experience of the
5 participant, and the service strategy of the par-
6 ticipant, as appropriate.

7 “(52) OUTLYING AREA.—The term ‘outlying
8 area’ means the United States Virgin Islands,
9 Guam, American Samoa, the Commonwealth of the
10 Northern Mariana Islands, the Republic of the Mar-
11 shall Islands, the Federal States of Micronesia, and
12 the Republic of Palau.

13 “(53) RAPID RESPONSE ASSISTANCE.—The
14 term ‘rapid response assistance’ means assistance
15 provided by a State, or by an entity designated by
16 a State, with funds provided by the State under sec-
17 tion 313(a)(2) in the case of a permanent closure or
18 mass layoff at a plant, facility, or enterprise, or a
19 natural or other disaster, that results in mass job
20 dislocation, in order to assist dislocated workers in
21 obtaining reemployment as soon as possible, with
22 services including—

23 “(A) the establishment of onsite contact
24 with employers and employee representatives—

1 “(i) immediately after the State is no-
2 tified of a current or projected permanent
3 closure or mass layoff; or

4 “(ii) in the case of a disaster, imme-
5 diately after the State is made aware of
6 mass job dislocation as a result of such
7 disaster;

8 “(B) the provision of information and ac-
9 cess to available employment and training ac-
10 tivities;

11 “(C) assistance in establishing voluntary
12 labor management committees with the ability
13 to devise and implement a strategy for assess-
14 ing the employment and training needs of dis-
15 located workers and obtaining services to meet
16 those needs;

17 “(D) the provision of emergency assistance
18 adapted to the particular closure, layoff, or dis-
19 aster; and

20 “(E) the provision of assistance to the
21 local community in developing a coordinated re-
22 sponse and in obtaining access to State eco-
23 nomic development assistance.

24 “(54) SKILL GRANT.—The term ‘skill grant’
25 means a voucher or credit issued to a participant

1 under section 314(c)(6)(A) for the purchase of train-
 2 ing services from eligible providers of such services.

3 “(55) STATE ADJUSTED BENCHMARKS.—The
 4 term ‘state adjusted benchmarks’ means a state’s
 5 expected levels of performance established pursuant
 6 to 153(a).

7 “(56) STATE BENCHMARK.—The term ‘State
 8 benchmark’ means the benchmarks established by
 9 the state pursuant to section 152(a).

10 “(57) STATEWIDE SYSTEM.—The term ‘state-
 11 wide system’ means a statewide employment and
 12 training and literacy system that includes programs
 13 authorized under titles II, III, and V of this Act.”.

14 **Subtitle B—State and Local** 15 **Administrative Provisions**

16 **SEC. 111. STATE ADMINISTRATIVE PROVISIONS.**

17 Part A of title I of the Job Training Partnership Act
 18 (29 U.S.C. 1511 et seq.) is amended to read as follows:

19 **“PART A—STATE ADMINISTRATIVE PROVISIONS**

20 **“SEC. 101. STATE PLAN.**

21 “(a) IN GENERAL.—For a State to be eligible to re-
 22 ceive an allotment under titles II, III, V, or section 6 of
 23 the Wagner-Peyser Act (29 U.S.C. 49e), the Governor of
 24 the State shall submit to Secretaries, for consideration by
 25 the appropriate Secretary, a single comprehensive State

1 plan that provides a 3-year strategy and policy guidance
2 with respect to the Statewide system, and programs au-
3 thorized under the Wagner-Peyser Act (29 U.S.C. 49 et
4 seq.), operated in the State. Such plan shall meet the re-
5 quirements of this section and section 102.

6 “(b) CONTENTS.—The State plan shall include the
7 following:

8 “(1) A description of the collaborative process
9 described in section 102, including a description of
10 the manner in which the individuals and entities in-
11 volved in such process collaborated in the develop-
12 ment of the plan and will continue to collaborate in
13 carrying out the functions described in section
14 102(c).

15 “(2) Information describing—

16 “(A) the needs of the State with regard to
17 current and projected demands for workers, by
18 occupation;

19 “(B) the skills and economic development
20 needs of the State; and

21 “(C) the type and availability of employ-
22 ment, training, and adult education and literacy
23 services in the State.

24 “(3)(A) A description of the State long-term
25 goals for the Statewide system.

1 “(B) An identification of the benchmarks that
2 the State will use to measure its progress toward
3 meeting the goals described in subparagraph (A)
4 based on the core indicators of performance de-
5 scribed in section 154.

6 “(C) A description of how the goals and bench-
7 marks will ensure continuous improvement of the
8 Statewide system and make the such system relevant
9 and responsive to labor market, skill, and literacy
10 needs at the State and local levels.

11 “(4) An identification of local workforce devel-
12 opment areas in the State, including a description of
13 the process used for the designation of such areas.

14 “(5) An identification of criteria to be used by
15 local chief elected officials for the appointment of
16 members of local workforce development boards,
17 consistent with the provisions of section 122.

18 “(6)(A) A description of the measures that will
19 be taken by the State to assure coordination and
20 consistency and avoid duplication among employ-
21 ment, training, and literacy programs receiving as-
22 sistance under this Act, and, at a minimum, pro-
23 grams carried out under the Wagner-Peyser Act (29
24 U.S.C. 49 et seq.), the Rehabilitation Act of 1973
25 (20 U.S.C. 701 et seq.), title I of the Personal Re-

1 sponsibility and Work Opportunity Reconciliation
2 Act of 1996, and programs carried out by the Veter-
3 ans' Employment and Training Service with funds
4 received under section 4103 of title 38, United
5 States Code, including a description of common data
6 collection and reporting processes.

7 “(B) Information identifying how any funds
8 that a State receives through the allotments made
9 under this Act will be leveraged with other private
10 and public resources (including funds made available
11 to the State under the Wagner-Peyser Act (29
12 U.S.C. 49 et seq.)) and other human resource pro-
13 grams to maximize the effectiveness of such re-
14 sources, and expand the participation of business,
15 industry, employees, and individuals in the Statewide
16 system.

17 “(7) A description of the process used by the
18 State to provide an opportunity for public comment,
19 and input into development of the plan, prior to sub-
20 mission of the plan.

21 “(8) With respect to employment and training
22 programs for disadvantaged youth authorized under
23 title II, information describing the State's strategy
24 for providing comprehensive services to disadvan-
25 tagged youth, particularly those youth who are recog-

1 nized as having significant barriers to employment,
2 and a description of how the State intends to use its
3 State reserve funds (described in section 213(a)) to
4 serve areas in the State with high concentrations of
5 disadvantaged youth.

6 “(9) With respect to employment and training
7 programs for adults authorized under title III, infor-
8 mation—

9 “(A) describing the employment and train-
10 ing activities that will be carried out with the
11 funds received by the State through the allot-
12 ments made under section 312, including a de-
13 scription of how the State will provide rapid re-
14 sponse assistance to dislocated workers;

15 “(B) describing the strategy of the State
16 (including the timeframe for such strategy) for
17 development of a fully operational statewide full
18 service employment and training delivery sys-
19 tem as described in section 123, including the
20 steps that the State will take over the 3 years
21 covered by the plan, working with local
22 workforce development boards, to provide infor-
23 mation to individuals through the full service
24 employment and training delivery system on the

1 quality of employment, training, and literacy
2 services;

3 “(C) describing the procedures the State
4 will use, working with local workforce develop-
5 ment boards, to identify eligible providers of
6 training services described in section 314(c), as
7 required under section 124; and

8 “(D) describing how the State will serve
9 the employment and training needs of dis-
10 located workers, economically disadvantaged in-
11 dividuals (including welfare recipients) and
12 other individuals with multiple barriers to em-
13 ployment (including older workers).

14 “(10) With respect to adult education and lit-
15 eracy activities authorized under part A of title V—

16 “(A) a description of the adult education
17 and literacy activities that will be carried out
18 with any funds received such part;

19 “(B) a description of how such activities
20 will be integrated with other adult education,
21 career development, and employment and train-
22 ing activities in the State or outlying area of
23 the eligible agency;

24 “(C) a description of how the eligible agen-
25 cy annually will evaluate the effectiveness of the

1 adult education and literacy activities that are
2 carried out with any funds received under such
3 part;

4 “(D) an assurance that any funds received
5 under such part will not be expended for any
6 purpose other than the activities described in
7 sections 513 and 514;

8 “(E) an assurance that the eligible agency
9 will expend any funds received under such part
10 only in a manner consistent with the fiscal re-
11 quirements in section 515; and

12 “(F) an assurance that the eligible agency
13 will award grants under such part to providers
14 who offer flexible schedules and necessary sup-
15 port services (such as child care and transpor-
16 tation) to enable individuals, including individ-
17 uals with disabilities or other special needs to
18 participate in adult education and literacy ac-
19 tivities.

20 “(11) With respect to programs authorized
21 under the Wagner-Peyser Act (29 U.S.C. 49 et
22 seq.), the plan information required under section 8
23 of such Act.

24 “(c) PLAN SUBMISSION.—A State plan submitted to
25 the Secretaries under this section shall be approved by the

1 appropriate Secretary unless such Secretary determines
2 that such plan does not comply with the specific provisions
3 of this Act.

4 “(d) SPECIAL RULES.—

5 “(1) GOVERNOR.—The Governor of a State
6 shall have final authority to determine the content of
7 the portion of the State plan described in para-
8 graphs (1) through (9) and paragraph (11) of sub-
9 section (b).

10 “(2) ELIGIBLE AGENCY.—The eligible agency
11 for adult education and literacy in a State shall have
12 final authority to determine the content of the por-
13 tion of the State plan described in paragraph (10)
14 of subsection (b).

15 “(e) MODIFICATIONS TO PLAN.—A State may submit
16 modifications to a State plan in accordance with the re-
17 quirements of this section and section 102 as necessary
18 during the 3-year period covered by the plan.

19 **“SEC. 102. COLLABORATIVE PROCESS.**

20 “(a) IN GENERAL.—A State shall use a collaborative
21 process in the development of the State plan described in
22 section 101 and in carrying out the functions described
23 under subsection (c). Such collaborative process shall be
24 carried out by, at a minimum, the following individuals
25 and entities:

1 “(1) the Governor;

2 “(2) representatives, appointed by the Gov-
3 ernor, of—

4 “(A) business and industry;

5 “(B) local chief elected officials (represent-
6 ing both cities and counties, where appro-
7 priate);

8 “(C) local educational agencies (including
9 adult education and literacy providers);

10 “(D) postsecondary institutions (including
11 community and technical colleges);

12 “(E) organizations representing individuals
13 served by programs authorized under this Act
14 (including community-based organizations);

15 “(F) parents; and

16 “(G) employees (which may include labor);

17 “(3) the lead State agency official or officials
18 for—

19 “(A) employment security;

20 “(B) job training;

21 “(C) the State educational agency;

22 “(D) the eligible agency for vocational edu-
23 cation;

24 “(E) the eligible agency for adult edu-
25 cation and literacy;

1 “(F) the State agency responsible for post-
2 secondary education;

3 “(G) the State agency responsible for wel-
4 fare; and

5 “(H) the State agency responsible for vo-
6 cational rehabilitation, and where applicable,
7 the State agency providing vocational rehabili-
8 tation program activities for the blind;

9 “(4) such other State agency officials, including
10 officials responsible for economic development, as
11 the Governor may designate;

12 “(5) representatives of the State legislature;
13 and

14 “(6) the representative of the Veterans’ Em-
15 ployment and Training Service assigned to the State
16 under section 4103 of title 38, United States Code.

17 “(b) CLARIFICATION.—For purposes of complying
18 with subsection (a), a State may use any State collabo-
19 rative process (including a council, board, State Human
20 Resource Investment Council established under section
21 103, or a similar entity) that meets or is conformed to
22 meet the requirements of such subsection.

23 “(c) ADDITIONAL FUNCTIONS OF THE COLLABO-
24 RATIVE PROCESS.—In addition to development of the

1 State plan, the individuals and entities described in sub-
2 section (a) shall collaborate in—

3 “(1) the designation of local workforce areas as
4 required under section 121;

5 “(2) the development of allocation formulas for
6 the distribution of funds to local workforce develop-
7 ment areas for programs authorized under title II
8 and title III;

9 “(3) the development of the State goals and
10 benchmarks as required under part C of this title,
11 including the continued updating of such goals and
12 benchmarks;

13 “(4) the provision of management guidance and
14 review for all programs in the State, including re-
15 view of the operation of programs conducted in each
16 local workforce development area, and the availabil-
17 ity, responsiveness, and adequacy of State services,
18 and make recommendations to the Governor, the
19 State legislature, appropriate chief elected officials,
20 local workforce development boards, and service pro-
21 viders throughout the State regarding the findings
22 of such review;

23 “(5) the continued development of linkages be-
24 tween employment, training, literacy, and other

1 human resource and workforce preparation pro-
 2 grams in the State;

3 “(6) comment at least once annually on the
 4 measures taken pursuant to section 113(b)(14) of
 5 the Carl D. Perkins Vocational Education Act; and

6 “(7) review plans of all State agencies providing
 7 employment, training, and related services, and pro-
 8 vide comments and recommendations to the Gov-
 9 ernor, the State legislature, the State agencies, and
 10 the appropriate federal agencies on the relevancy
 11 and effectiveness of employment, training, and relat-
 12 ed delivery systems in the State.”.

13 **SEC. 112. LOCAL ADMINISTRATIVE PROVISIONS.**

14 Part B of title I of the Job Training Partnership Act
 15 (29 U.S.C. 1531 et seq.) is amended by striking sections
 16 121 through 123 and inserting the following:

17 **“PART B—LOCAL ADMINISTRATIVE PROVISIONS**

18 **“SEC. 121. LOCAL WORKFORCE DEVELOPMENT AREAS.**

19 “(a) IN GENERAL.—Except as provided in subsection
 20 (b), a State that desires to receive a grant under title II
 21 or title III shall, through the collaborative process estab-
 22 lished under section 102 and after consultation with local
 23 chief elected officials, and after consideration of comments
 24 received through the public comment process as described
 25 in paragraph (7) of the State plan, designate local

1 workforce development areas within the State that are
2 consistent with labor market areas, or a substantial por-
3 tion of a labor market area, and that take into consider-
4 ation the following:

5 “(1) Units of general local government.

6 “(2) Geographic areas served by local edu-
7 cational agencies and intermediate educational agen-
8 cies.

9 “(3) Geographic areas served by postsecondary
10 institutions and area vocational education schools.

11 “(4) Service delivery areas established under
12 section 101 of this Act (as such section was in effect
13 on the day before the date of the enactment of the
14 Employment, Training, and Literacy Enhancement
15 Act of 1997).

16 “(5) The distance that individuals will need to
17 travel to receive services.

18 “(b) SMALL STATES.—Any State determined to be
19 eligible to receive a minimum allotment under section
20 203(b)(1)(C) or paragraph (1)(B)(iii) or paragraph
21 (2)(B)(iii) of section 312(b) may designate itself, through
22 the collaborative process established pursuant to section
23 102, and after consultation with local chief elected offi-
24 cials, and consideration of comments received through the
25 public comment process described in paragraph (7) of the

1 State plan, as a single State workforce development area
2 for purposes of this Act.

3 **“SEC. 122. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

4 “(a) ESTABLISHMENT.—There shall be established in
5 each local workforce development area of a State, and cer-
6 tified by the Governor of the State, a local workforce de-
7 velopment board (hereinafter referred to as the ‘local
8 board’), reflecting business and community interests in
9 employment, training, and other workforce preparation ac-
10 tivities.

11 “(b) MEMBERSHIP.—

12 “(1) STATE CRITERIA.—The Governor of the
13 State, through the collaborative process described in
14 section 102, shall establish criteria for use by local
15 chief elected officials in the local workforce develop-
16 ment areas for appointment of members of the local
17 boards in such local areas in accordance with the re-
18 quirements of paragraph (2).

19 “(2) COMPOSITION.—Such criteria shall require
20 at a minimum, that the membership of each local
21 board consist of—

22 “(A) a majority of members who are rep-
23 resentatives of business and industry in the
24 local workforce development area, who are own-
25 ers of businesses, chief executives or chief oper-

1 ating officers of private business, and other
2 business executives with optimum policymaking
3 authority in local businesses, appointed from
4 among individuals nominated by local business
5 organizations and trade associations;

6 “(B) representatives of local educational
7 entities, including representatives of local edu-
8 cational agencies, local school boards, post-
9 secondary educational institutions (including
10 representatives of community colleges), and rep-
11 resentatives of providers of adult education and
12 literacy services, where such schools, institu-
13 tions, educators, or providers, as appropriate,
14 exist, selected from among individuals nomi-
15 nated by regional or local educational agencies,
16 institutions, or organizations representing such
17 individuals or entities;

18 “(C) representatives of community-based
19 organizations, employees (which may include
20 labor), and other representatives of the public
21 who may include program participants, parents,
22 individuals with disabilities, older workers, vet-
23 erans, or organizations serving such individuals,
24 as nominated to the board through a process

1 established by the Governor through the col-
2 laborative process; and

3 “(D) representatives of local welfare and
4 economic development agencies.

5 “(3) CHAIRPERSON.—The local board shall
6 elect a chairperson from among the members of the
7 board.

8 “(c) APPOINTMENT AND CERTIFICATION OF
9 BOARD.—

10 “(1) APPOINTMENT OF BOARD MEMBERS AND
11 ASSIGNMENT OF RESPONSIBILITIES.—

12 “(A) IN GENERAL.—The chief elected offi-
13 cial in a local workforce development area is au-
14 thorized to appoint the members of the local
15 board for such area, in accordance with the
16 State criteria established under subsection (b).

17 “(B) MULTIPLE UNITS OF LOCAL GOVERN-
18 MENT IN AREA.—

19 “(i) IN GENERAL.—In a case in which
20 a local workforce development area in-
21 cludes more than 1 unit of general local
22 government, the chief elected officials of
23 such units may execute an agreement that
24 specifies the respective roles of the individ-
25 ual chief elected officials—

1 “(I) in the appointment of the
2 members of the local board from the
3 individuals nominated or rec-
4 ommended to be such members in ac-
5 cordance with the criteria established
6 under subsection (b); and

7 “(II) in carrying out any other
8 responsibilities assigned to such offi-
9 cials.

10 “(ii) LACK OF AGREEMENT.—If, after
11 a reasonable effort, the chief elected offi-
12 cials are unable to reach agreement as pro-
13 vided under clause (i), the Governor may
14 appoint the members of the local board
15 from individuals so nominated or rec-
16 ommended.

17 “(2) CERTIFICATION.—

18 “(A) IN GENERAL.—The Governor is au-
19 thorized to biennially certify 1 local board for
20 each local workforce development area in the
21 State.

22 “(B) CRITERIA.—Such certification shall
23 be based on factors including the criteria estab-
24 lished under subsection (b) and, for a second or
25 subsequent certification, the extent to which the

1 local board has ensured that employment and
2 training activities and disadvantaged youth ac-
3 tivities carried out in the local workforce devel-
4 opment area have met expected levels of per-
5 formance with respect to the local benchmarks
6 negotiated pursuant to subsection (d)(6)(A).

7 “(C) FAILURE TO ACHIEVE CERTIFI-
8 CATION.—Failure of a local board to achieve
9 certification shall result in reappointment and
10 certification of another local board for the local
11 workforce development area pursuant to the
12 process described in paragraph (1) and this
13 paragraph.

14 “(3) DECERTIFICATION.—

15 “(A) FISCAL NONCOMPLIANCE.—Notwith-
16 standing paragraph (2), the Governor may de-
17 certify a local board if it is determined as a re-
18 sult of financial and compliance audits that
19 there is a substantial violation of a specific re-
20 quirement under this Act and corrective action
21 is not taken, in accordance with section 164. If
22 the Governor decertifies a local board for a local
23 workforce development area under this subpara-
24 graph, the Governor may require that a new
25 local board be appointed and certified for the

1 local workforce development area pursuant to a
2 reorganization plan developed by the Governor
3 under section 164(b)(1) and in accordance with
4 the criteria established under subsection (b).

5 “(B) NONPERFORMANCE.—Notwithstand-
6 ing paragraph (2), the Governor may decertify
7 a local board if a local workforce development
8 area fails to meet the local benchmarks estab-
9 lished pursuant to section 153(b) for such local
10 area for two consecutive program years (in ac-
11 cordance with section 156(b)(2)). If the Gov-
12 ernor decertifies a local board for a local
13 workforce development area under this subpara-
14 graph, the Governor may require that a new
15 local board be appointed and certified for the
16 local area pursuant to a reorganization plan de-
17 veloped by the Governor under section
18 156(b)(2) and in accordance with the criteria
19 established under subsection (a).

20 “(4) SINGLE STATE AREA.—Notwithstanding
21 subsection (b) and paragraphs (1) and (2), if a
22 State described in section 121(b) indicates in the
23 State plan that the State will be treated as a local
24 workforce development area for purposes of the ap-
25 plication of this Act, the Governor may designate the

1 individuals and entities involved in the collaborative
2 process described in section 105 to carry out any
3 of the functions described in subsection (d).

4 “(d) FUNCTIONS OF LOCAL BOARD.—The functions
5 of the local board shall include the following:

6 “(1) LOCAL PLAN.—

7 “(A) IN GENERAL.—Each local board shall
8 develop and submit to the Governor a com-
9 prehensive 3-year strategic local plan. The local
10 plan shall be consistent with the State goals
11 and State plan described in section 101.

12 “(B) CONTENTS.—The local plan shall in-
13 clude—

14 “(i) an identification of the workforce
15 development needs of local industries, job
16 seekers, and workers;

17 “(ii) a description of employment and
18 training activities for adults and disadvan-
19 tagged youth activities to be carried out in
20 the local workforce development area as re-
21 quired under titles II and III, that, with
22 activities authorized under the Wagner-
23 Peyser Act (29 U.S.C. 49 et seq.), will
24 contribute to the coherent delivery of em-

1 employment, training and workforce prepara-
2 tion activities in the local area;

3 “(iii) a description of the local bench-
4 marks negotiated with the Governor pursu-
5 ant to paragraph (6)(A), to be used by the
6 local board for measuring the performance
7 of the local administrative entity (where
8 appropriate), eligible providers of services
9 authorized under titles II and III, and the
10 performance of the full service employment
11 and training delivery system in the local
12 workforce development area;

13 “(iv) a description of the local full
14 service employment and training delivery
15 system to be established or designated in
16 the local workforce development area, in-
17 cluding—

18 “(I) a description of the process
19 negotiated with the Governor pursu-
20 ant to paragraph (6)(B) that the local
21 board will use to designate or certify
22 full service eligible providers in the
23 local workforce development area,
24 which ensures that the most effective
25 and efficient providers will be chosen;

1 “(II) a description of how the
2 local board will ensure the continuous
3 improvement of such full service eligi-
4 ble providers and that such providers
5 will continue to meet the labor market
6 needs of local employers and partici-
7 pants; and

8 “(III) an identification of the
9 roles of individual employment, train-
10 ing, and other human resources pro-
11 grams, as determined appropriate, in-
12 cluding programs authorized by the
13 Wagner-Peyser Act (20 U.S.C. 49 et
14 seq.), in carrying out the functions of
15 the full service employment and train-
16 ing delivery system, including a de-
17 scription of the funding sources to be
18 used in the operation of the full serv-
19 ice employment and training system;

20 “(v) an identification of the adminis-
21 trative entity designated by the local board
22 in accordance with paragraph (5);

23 “(vi) a description of the steps the
24 local board will take to work with local
25 educational agencies, postsecondary edu-

1 cational institutions (including community
2 colleges, where applicable), vocational edu-
3 cators, providers of adult education and lit-
4 eracy services, and other representatives of
5 the educational community to address local
6 employment, education, and training
7 needs, including a description of linkages
8 established with such individuals and enti-
9 ties to enhance the provision of services
10 and avoid duplication;

11 “(vii) a description of the process that
12 will be used by the local board to fully in-
13 volve representatives of the local commu-
14 nity, including community-based organiza-
15 tions with experience in serving disadvan-
16 taged youth, the local education commu-
17 nity (including vocational educators and
18 teachers), parents, local law enforcement
19 agencies, and representatives of business
20 and employees (which may include labor)
21 in the development and implementation of
22 disadvantaged youth programs in the local
23 workforce development area, including a
24 description of the process used (involving
25 the individuals and organizations described

1 in this clause) to ensure that the most ef-
2 fective and efficient providers are chosen to
3 carry out the activities authorized under
4 title II; and

5 “(viii) such other information as the
6 Governor may require.

7 “(C) CONSULTATION.—The local board
8 shall—

9 “(i) consult with the chief elected offi-
10 cial in the appropriate local workforce de-
11 velopment area in the development of the
12 local plan; and

13 “(ii) provide the chief elected official
14 with a copy of the local plan.

15 “(D) APPROVAL.—

16 “(i) IN GENERAL.—The chief elected
17 official shall—

18 “(I) approve the local plan; or

19 “(II) reject the local plan and
20 make recommendations to the local
21 board on how to improve the local
22 plan.

23 “(ii) SUBMISSION.—If, after a reason-
24 able effort, the local board is unable to ob-
25 tain the approval of the chief elected offi-

1 cial for the local plan, the local board may
2 submit the plan to the Governor for ap-
3 proval under subparagraph (A), and shall
4 submit the recommendations of the chief
5 elected official to the Governor along with
6 the plan.

7 “(2) SELECTION OF PROVIDERS.—

8 “(A) SELECTION OF FULL SERVICE PRO-
9 VIDERS.—Consistent with section 123 and the
10 agreement negotiated with the Governor under
11 paragraph (6)(B)(i), the local board is author-
12 ized to designate or certify full service eligible
13 providers.

14 “(B) SELECTION OF AT-RISK YOUTH PRO-
15 VIDERS.—Consistent with section 207, the local
16 board is authorized to award grants on a com-
17 petitive basis to eligible providers of disadvan-
18 tagged youth activities in the local workforce de-
19 velopment area.

20 “(3) IDENTIFICATION OF ELIGIBLE PROVIDERS
21 OF TRAINING SERVICES.—Consistent with section
22 124, the local board is authorized to work in part-
23 nership with the Governor concerning the identifica-
24 tion of eligible providers of training services de-

1 scribed in section 314(c) in the local workforce de-
2 velopment area.

3 “(4) BUDGET AND PROGRAM OVERSIGHT.—

4 “(A) BUDGETING.—

5 “(i) IN GENERAL.—The local
6 workforce development board shall develop
7 a budget for the purpose of carrying out
8 local programs established under titles II
9 and III and section 123.

10 “(ii) APPROVAL OF BUDGET.—Such
11 budget shall be subject to the approval of
12 the chief elected official or officials in the
13 local workforce development area.

14 “(B) PROGRAM OVERSIGHT.—The local
15 workforce development board, in partnership
16 with the chief elected official or officials in the
17 local workforce development area, shall conduct
18 oversight of the programs established under ti-
19 tles II and III and section 123.

20 “(5) ADMINISTRATION.—

21 “(A) DESIGNATION OF ADMINISTRATIVE
22 ENTITY.—

23 “(i) IN GENERAL.—The local
24 workforce development board may des-
25 ignate itself as the administrative entity

1 for receipt and disbursement of funds
2 made available for carrying out programs
3 authorized under title II and title III of
4 this Act, or the local board may designate
5 an administrative entity (which may be the
6 State through a mutual agreement between
7 the local board and the State), for the pur-
8 pose of receipt and disbursement of such
9 funds.

10 “(ii) ADDITIONAL FISCAL RESPON-
11 SIBILITIES.—Each administrative entity
12 shall be responsible for the distribution of
13 funds and shall have responsibility to take
14 action against its subcontractors, sub-
15 grantees, and other recipients to eliminate
16 abuses in the programs being carried out
17 in the local workforce development area
18 and to prevent any misuse of funds by sub-
19 contractors, subgrantees, and other recipi-
20 ents.

21 “(B) STAFF; GRANTS AND OTHER CON-
22 TRIBUTIONS.—The local board may employ its
23 own staff, independent of local programs and
24 service providers, and may solicit or accept

1 grants and contributions from sources other
2 than from this Act.

3 “(C) PROHIBITION ON DIRECT OPERATION
4 OF PROGRAMS.—

5 “(i) IN GENERAL.—Except as pro-
6 vided in clause (ii), a local board or em-
7 ployees of such board may not directly pro-
8 vide services under programs established
9 under this Act.

10 “(ii) WAIVER.—The Governor of the
11 State in which the local board is located
12 may grant to the local board a written
13 waiver of the prohibition under clause (i)
14 where necessary to improve performance or
15 to provide a full array of services in the
16 local area.

17 “(D) CONFLICT OF INTEREST.—A member
18 of a local board may not—

19 “(i) vote on a matter under consider-
20 ation by the local board—

21 “(I) regarding the provision of
22 services by such member (or by an or-
23 ganization that such member rep-
24 resents); or

1 “(II) that would provide direct fi-
 2 nancial benefit to such member or the
 3 immediate family of such member; or
 4 “(ii) engage in any other activity de-
 5 termined by the Governor to constitute a
 6 conflict of interest.

7 “(6) NEGOTIATIONS.—

8 “(A) LOCAL BENCHMARKS.—The local
 9 board, the local chief elected official, and the
 10 Governor shall negotiate and reach agreement
 11 on local benchmarks designed to meet the State
 12 goals described in the State plan under section
 13 101 for the local workforce development area.
 14 In determining such benchmarks, the Governor,
 15 the local chief elected official, and the local
 16 board shall take into account the State adjusted
 17 benchmarks described in section 153(a) with re-
 18 spect to programs authorized under titles II
 19 and III, and specific economic, demographic,
 20 and other characteristics of the populations to
 21 be served in the local workforce development
 22 area.

23 “(B) LOCAL DELIVERY OF SERVICES.—

24 “(i) IN GENERAL.—The local board,
 25 the local chief elected official, and the Gov-

ernor shall negotiate and reach agreement
on a process to be used by the local board
that meets the requirements of subclauses
(I) and (II) of paragraph (1)(B)(iv) for—

“(I) the designation or certification of full service eligible providers (as described in section 123(c)) in the local workforce development area, including a determination of the role of providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) in the full service delivery of services in the local workforce development area; and

“(II) the continued role of the local board and the local elected official in conducting oversight with respect to full service eligible providers that are providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including the ability of the local board to terminate for cause the eligibility of such providers.

“(ii) ESTABLISHED FULL SERVICE
EMPLOYMENT AND TRAINING DELIVERY

1 SYSTEM.—Notwithstanding this subsection
2 and section 123(c), if a full service employ-
3 ment and training delivery system has
4 been established in a local workforce devel-
5 opment area prior to the date of enactment
6 of this Act, or if approval has been ob-
7 tained for a plan for a full service employ-
8 ment and training delivery system under
9 the Wagner-Peyser Act (29 U.S.C. 49 et
10 seq.) prior to the date of enactment of this
11 Act, the local board and the Governor in-
12 volved may agree to certify such full serv-
13 ice employment and training delivery sys-
14 tem for purposes of this subparagraph.

15 “(e) SUNSHINE PROVISION.—The local board shall
16 make available to the public, on a regular basis, informa-
17 tion regarding the activities of the local board, including
18 information regarding membership, the designation and
19 certification of full service employment and training center
20 eligible providers, and the award of grants to eligible pro-
21 viders of disadvantaged youth activities.

1 **“SEC. 123. FULL SERVICE EMPLOYMENT AND TRAINING DE-**
2 **LIVERY SYSTEM.**

3 “(a) IN GENERAL.—There shall be established in a
4 State that receives an allotment under section 312, a full
5 service employment and training delivery system that—

6 “(1) shall provide the core services described in
7 subsection (d), including the information described
8 in part E of title IV and labor exchange services au-
9 thorized under the Wagner-Peyser Act (29 U.S.C.
10 49 et seq.);

11 “(2) shall provide access to the activities car-
12 ried out under subsection (e), if any; and

13 “(3) shall provide access to intensive and train-
14 ing services described in section 314, including serv-
15 ing as the point of distribution of skill grants for
16 training services to participants in accordance with
17 section 314(c)(6)(A).

18 “(b) ACCESS TO DELIVERY OF SERVICES.—

19 “(1) IN GENERAL.—The State’s full service em-
20 ployment and training delivery system shall provide
21 individuals and employers with access to the services
22 described in subsection (a) through a network of eli-
23 gible providers that assures participants that such
24 services will be available, regardless of where the
25 participants initially enter the system. At a mini-
26 mum, such services shall be available—

1 “(A) through a network of full service em-
2 ployment and training delivery centers, estab-
3 lished in all local workforce development areas
4 in the State, that provide all of the services de-
5 scribed in subsection (a); or

6 “(B) at not less than one full service em-
7 ployment and training delivery center in each
8 local workforce development area in the State
9 that provides all of the services described in
10 subsection (a), supplemented with multiple af-
11 filiated sites that provide one or more of such
12 services and are linked through electronic and
13 technological access points.

14 “(2) SPECIALIZED CENTERS.—Of the full serv-
15 ice employment and training delivery centers or af-
16 filiated sites described in paragraph (1), such cen-
17 ters or sites may have a specialization in addressing
18 special needs, such as the needs of dislocated work-
19 ers.

20 “(c) ELIGIBILITY FOR DESIGNATION.—Any entity or
21 consortium of entities located in a local workforce develop-
22 ment area may be designated or certified by the local
23 workforce development board (in accordance with section
24 122(d)(2)(A)) through a competitive process, or through
25 an agreement reached between the local board and a con-

1 sortium of entities, to operate a full service employment
2 and training delivery center or to participate as an affili-
3 ated site in the full service employment and training deliv-
4 ery system. Such entities shall be known as ‘full service
5 eligible providers’ and may include—

6 “(1) institutions of higher education;

7 “(2) local employment service offices established
8 under the Wagner-Peyser Act (29 U.S.C 49 et seq.);

9 “(3) private, nonprofit organizations (including
10 community-based organizations);

11 “(4) private for-profit entities;

12 “(5) agencies of local government; and

13 “(6) other interested organizations and entities
14 of demonstrated effectiveness, including local cham-
15 bers of commerce and other business organizations,
16 consistent with State criteria as described in the
17 State plan under section 101.

18 “(d) CORE SERVICES.—Funds made available to local
19 workforce development areas under section 313(b), in ad-
20 dition to funds made available under the Wagner-Peyser
21 Act, part E of title IV, and other related programs, shall
22 be used to provide core services, which shall be available
23 to all individuals through the full service employment and
24 training delivery system and shall, at a minimum, in-
25 clude—

1 “(1) outreach, intake (which may include work-
2 er profiling), and orientation to the information and
3 other services available through the full service em-
4 ployment and training delivery system;

5 “(2) initial assessment of skill levels, aptitudes,
6 abilities, and supportive service needs;

7 “(3) job search and placement assistance, and
8 where appropriate, career counseling;

9 “(4) provision of accurate information relating
10 to local, regional, and national labor markets, in-
11 cluding—

12 “(A) job vacancy listings in such markets;
13 and

14 “(B) information relating to local occupa-
15 tions in demand and the earnings and skill re-
16 quirements for such occupations;

17 “(5) provision of accurate information relating
18 to the quality and availability of employment, train-
19 ing, and literacy activities authorized under titles II,
20 III, and V of this Act, and of vocational rehabilita-
21 tion program activities as appropriate, and referral
22 to such activities;

23 “(6) provision of eligibility information relating
24 to, and assistance in evaluating whether an individ-
25 ual is likely to be eligible for unemployment com-

1 pensation, publicly funded employment and training
2 programs (including registered apprenticeships), and
3 forms of public financial assistance, such as student
4 aid programs, that may be available in order to en-
5 able individuals to participate in employment, train-
6 ing, literacy, and other workforce preparation activi-
7 ties;

8 “(7) assistance in filing initial claims for unem-
9 ployment compensation;

10 “(8) soliciting and accepting job orders submit-
11 ted by employers in the local workforce development
12 area, and screening and referring applicants in ac-
13 cordance with such orders;

14 “(9) dissemination of lists of eligible training
15 providers and performance information regarding
16 such providers in accordance with section 124; and

17 “(10) any additional performance information
18 with respect to the full service employment and
19 training delivery system in the local workforce devel-
20 opment area.

21 “(e) PERMISSIBLE SERVICES.—Funds made avail-
22 able to local workforce development areas under section
23 313(b) may be used to contribute to, through the full serv-
24 ice employment and training delivery system—

1 “(1) co-location of services related to employ-
2 ment, training, and literacy activities, such as unem-
3 ployment insurance, vocational rehabilitation pro-
4 gram activities, veterans’ employment services, pro-
5 grams authorized under the Wagner-Peyser Act (29
6 U.S.C 49 et seq.), employment-related services for
7 welfare recipients, or other public assistance activi-
8 ties;

9 “(2) customized screening and referral of quali-
10 fied participants to employment; and

11 “(3) customized employment-related services to
12 employers on a fee-for-service basis.

13 **“SEC. 124. IDENTIFICATION OF TRAINING PROVIDERS.**

14 “(a) ELIGIBILITY REQUIREMENTS.—

15 “(1) IN GENERAL.—Except as provided in sub-
16 section (e), to be identified as an eligible provider of
17 training services under title III and to receive funds
18 made available for the provision of training services
19 described in section 314(c) (referred to in this sec-
20 tion as ‘training services’), a provider of such serv-
21 ices shall meet the requirements of this section.

22 “(2) POSTSECONDARY EDUCATIONAL INSTITU-
23 TION.—Subject to the provisions of this section, a
24 postsecondary educational institution shall automati-

1 cally be eligible to provide training services under
 2 title III for—

3 “(A) a program that leads to an associate,
 4 baccalaureate, professional, or graduate degree;

5 “(B) a program that—

6 “(i) is at least 2 academic years in
 7 length; and

8 “(ii) is acceptable for academic credit
 9 toward a baccalaureate degree; or

10 “(C) a program that—

11 “(i) is at least 1 academic year in
 12 length;

13 “(ii) is a training program;

14 “(iii) leads to a certificate, degree, or
 15 other recognized educational credential;
 16 and

17 “(iv) prepares a student for gainful
 18 employment in a recognized occupation.

19 “(3) OTHER ELIGIBLE PROVIDERS.—

20 “(A) PROCEDURE.—

21 “(i) IN GENERAL.—The Governor
 22 shall establish a procedure for use by local
 23 workforce development boards in determin-
 24 ing the eligibility of public and private pro-
 25 viders not described in paragraph (2) (in-

cluding eligibility of postsecondary educational institutions for programs not described in paragraph (2)) to receive such funds.

“(ii) FACTORS.—In developing such procedure, the Governor—

“(I) shall solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

“(II) shall take into consideration—

“(aa) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

“(bb) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

“(B) LEVELS OF PERFORMANCE.—At a minimum, the procedure described in subpara-

1 graph (A) shall require such a provider to meet
 2 minimum acceptable levels of performance
 3 based on verifiable program-specific perform-
 4 ance information described in subsection (b)
 5 and submitted to the State agency designated
 6 under subsection (c), as required under para-
 7 graphs (2) and (3) of subsection (c).

8 “(b) PERFORMANCE INFORMATION.—

9 “(1) REQUIRED INFORMATION.—Pursuant to
 10 subsection (c)(2), to be eligible to provide training
 11 services under title III, a provider shall submit infor-
 12 mation on—

13 “(A) program completion rates for individ-
 14 uals in the applicable program conducted by the
 15 provider;

16 “(B) the percentage of individuals in the
 17 applicable program who obtain employment,
 18 which may also include information specifying
 19 the percentage of individuals who obtain em-
 20 ployment in an occupation related to the pro-
 21 gram conducted; and

22 “(C) the earnings and placement of indi-
 23 viduals who complete the program.

24 “(2) ADDITIONAL INFORMATION.—Subject to
 25 paragraph (3), in addition to the performance infor-

1 mation described in paragraph (1), the Governor
2 may require that a provider described in this para-
3 graph submit such other performance information as
4 the Governor determines to be appropriate, which
5 may include information relating to—

6 “(A) the retention in employment and the
7 subsequent earnings of the individuals who
8 complete the applicable program;

9 “(B) where appropriate, the rates of licen-
10 sure or certification of individual who complete
11 the program;

12 “(C) the percentage of individuals who
13 complete the program who attain industry-rec-
14 ognized occupational skills in the subject, occu-
15 pation, or industry for which training is pro-
16 vided, where applicable; and

17 “(D) the adequacy of space, staff, equip-
18 ment, instructional materials, and student sup-
19 port services offered by the provider through a
20 program conducted by the provider.

21 “(3) CONDITIONS.—

22 “(A) IN GENERAL.—If the Governor re-
23 quests additional information pursuant to para-
24 graph (2) that imposes extraordinary costs on
25 providers, the Governor shall provide access to

1 cost-effective methods for the collection of such
2 information or provide additional resources to
3 assist providers in the collecting such informa-
4 tion from funds made available under section
5 313(a).

6 “(B) TRANSITION PERIOD FOR PERFORM-
7 ANCE-BASED INFORMATION.—For program
8 years 1999 and 2000, the performance-based
9 information to be submitted by a provider
10 under this subsection shall only be required to
11 be provided relating to the performance of par-
12 ticipants assisted under title III in lieu of all in-
13 dividuals participating in the program of the
14 provider. Nothing in this subparagraph shall be
15 construed to prohibit the submission of per-
16 formance-based information for all individuals
17 participating in the program of the provider as
18 soon as is practicable prior to program year
19 2001 and each provider shall be encouraged to
20 submit such information.

21 “(c) ADMINISTRATION.—

22 “(1) DESIGNATION.—The Governor shall des-
23 ignate a State agency to collect and disseminate the
24 performance information described in subsection (b)

1 and to carry out other duties described in this sub-
2 section.

3 “(2) SUBMISSION.—A provider described in
4 subsection (a) shall submit the performance informa-
5 tion described in subsection (b) annually to the des-
6 ignated State agency at such time and in such man-
7 ner as the designated State agency may require. The
8 designated State agency may accept program-spe-
9 cific performance information consistent with the re-
10 quirements for eligibility under title IV of the High-
11 er Education Act of 1965 (20 U.S.C. 1070 et seq.)
12 from such a provider for purposes of enabling the
13 provider to fulfill the applicable requirements of this
14 paragraph, if such information is substantially simi-
15 lar to the information required under subsection (b).

16 “(3) LIST OF ELIGIBLE PROVIDERS.—

17 “(A) IN GENERAL.—The designated State
18 agency shall compile a list of eligible providers
19 accompanied by the performance information
20 described in subsection (b) consisting of—

21 “(i) providers determined to be auto-
22 matically eligible subject to subsection
23 (a)(2); and

1 “(ii) providers determined to be eligi-
2 ble by local workforce development boards,
3 subject to subsection (a)(3).

4 “(B) AVAILABILITY.—The designated
5 State agency shall disseminate such lists and
6 information to the full service employment and
7 training delivery system and to local boards.
8 Such list and information shall be made widely
9 available to participants in employment and
10 training programs authorized under title III
11 and others through the full service employment
12 and training delivery system described in sec-
13 tion 123.

14 “(d) ENFORCEMENT.—

15 “(1) ACCURACY OF INFORMATION.—If the des-
16 ignated State agency determines that a provider or
17 individual supplying information on behalf of a pro-
18 vider intentionally supplies inaccurate information
19 under this section, the agency shall terminate the
20 eligibility of the eligible provider to receive funds de-
21 scribed in subsection (a) for a period of time, but
22 not less than 2 years, as prescribed in regulations is-
23 sued by the Governor.

24 “(2) NON-COMPLIANCE.—If the designated
25 State agency, or the local workforce development

1 board working through the State agency, determines
2 that an eligible provider under subsection (a) sub-
3 stantially violates any requirement under this Act,
4 the agency may terminate the eligibility of such pro-
5 vider to receive funds described in subsection (a) for
6 such program or take such other action as the agen-
7 cy determines to be appropriate.

8 “(3) NON-PERFORMANCE.—

9 “(A) TERMINATION FOR NONPERFORM-
10 ANCE.—(i) If the designated State agency de-
11 termines that an eligible provider under sub-
12 section (a)(2) or a program of training services
13 carried out by an eligible provider under sub-
14 section (a)(2) substantially fails to meet for 2
15 or more consecutive years, performance criteria
16 established by the Governor, the agency may
17 terminate the eligibility of such provider.

18 “(ii) If the designated State agency, or the
19 local workforce development board working
20 through the State agency, determines that an
21 eligible provider under subsection (a)(3) or a
22 program of training services carried out by such
23 an eligible provider fails to meet acceptable lev-
24 els of performance consistent with the proce-
25 dure established under subsection (a)(3), the

1 agency, or the local board through the State
2 agency, may terminate the eligibility of such
3 provider.

4 “(B) FACTORS.—In establishing the per-
5 formance criteria described under subparagraph
6 (A)(i), the Governor shall—

7 “(i) solicit and take into consideration
8 the recommendations of local workforce de-
9 velopment boards and providers of training
10 services within the State; and

11 “(ii) take into consideration—

12 “(I) the specific economic, geo-
13 graphic, and demographic factors in
14 the local areas in which eligible pro-
15 viders are located; and

16 “(II) the characteristics of the
17 populations served by the eligible pro-
18 viders, including the demonstrated dif-
19 ficulties in serving such populations,
20 where applicable.

21 “(4) ELIGIBILITY UNDER THE HIGHER EDU-
22 CATION ACT OF 1965.—If the designated State agen-
23 cy determines that the eligibility of an eligible pro-
24 vider described in subsection (a)(2) under title IV of

1 the Higher Education Act of 1965 has been termi-
2 nated, the agency—

3 “(A) shall terminate the automatic eligi-
4 bility of the provider under subsection (a)(2);
5 and

6 “(B) shall require the provider to meet the
7 requirements of subsection (a)(3) to be eligible
8 to receive funds as described in subsection (a).

9 “(5) REPAYMENT.—A provider whose eligibility
10 is terminated under paragraph (1) or (2) for a pro-
11 gram shall be liable for repayment of all funds de-
12 scribed in subsection (a) received for the program
13 during any period of noncompliance described in
14 such paragraph.

15 “(6) APPEAL.—The Governor shall establish a
16 procedure for an eligible provider to appeal a deter-
17 mination by the local board or the designated state
18 agency that results in the denial or termination of
19 eligibility under this subsection. Such procedure
20 shall provide an opportunity for a hearing and pre-
21 scribe appropriate time limits to ensure prompt reso-
22 lution of the appeal.

23 “(e) ON-THE-JOB TRAINING EXCEPTION.—

1 “(1) IN GENERAL.—Providers of on-the-job
2 training shall not be subject to the requirements of
3 subsection (a), (b), (c), or (d).

4 “(2) COLLECTION AND DISSEMINATION OF IN-
5 FORMATION.—A full-service eligible provider in a
6 local workforce development area shall collect such
7 performance information from on-the-job training
8 providers as the Governor may require, and dissemi-
9 nate such information through the delivery of core
10 services described in section 123, as appropriate.”.

11 **Subtitle C—Program and Fiscal** 12 **Provisions**

13 **CHAPTER 1—GENERAL PROVISIONS**

14 **SEC. 121. GENERAL PROGRAM REQUIREMENTS.**

15 (a) EMPLOYMENT AND TRAINING OPPORTUNITIES.—
16 Section 141(a) of the Job Training Partnership Act (29
17 U.S.C. 1551(a)) is amended—

18 (1) by striking “and shall make efforts” and all
19 that follows and inserting a period; and

20 (2) by adding at the end the following: “In ad-
21 dition, efforts shall be made to develop programs
22 which contribute to occupational development, up-
23 ward mobility, development of new careers, and over-
24 coming sex-stereotyping in occupations traditional
25 for the other sex.”.

1 (b) RELOCATION.—Section 141(c) of such Act (29
2 U.S.C. 1551(c)) is amended to read as follows:

3 “(c) RELOCATION.—

4 “(1) PROHIBITION ON USE OF FUNDS TO EN-
5 COURAGE OR INDUCE RELOCATION.—No funds pro-
6 vided under title II, III, or IV shall be used or pro-
7 posed for use to encourage or induce the relocation,
8 of a business or part of a business, that results in
9 a loss of employment for any employee of such busi-
10 ness at the original location, if such original location
11 is within the United States.

12 “(2) PROHIBITION ON USE OF FUNDS FOR CUS-
13 TOMIZED OR SKILL TRAINING AND RELATED ACTIVI-
14 TIES AFTER RELOCATION.—No funds provided
15 under title II, III, or IV for an employment and
16 training activity shall be used for customized or skill
17 training, on-the-job training, or company-specific as-
18 sessments of job applicants or employees, for any
19 business or part of a business, that has relocated,
20 until 120 days after the date on which such business
21 commences operations at the new location, if the re-
22 location of such business or part of a business, re-
23 sults in a loss of employment for any employee of
24 such business at the original location and such origi-
25 nal location is within the United States.

1 “(3) REPAYMENT.—If the Secretary of Labor
2 determines that a violation of paragraph (1) or (2)
3 has occurred, the Secretary shall require the State
4 that has violated such paragraph to repay to the
5 United States an amount equal to the amount ex-
6 pended in violation of such paragraph.”.

7 (c) TRAINING FOR OCCUPATIONS IN DEMAND.—Sub-
8 section (d) of section 141 of such Act (29 U.S.C. 1551(d))
9 is hereby repealed.

10 (d) AGREEMENTS AMONG AREAS RELATING TO EDU-
11 CATION, TRAINING, AND EMPLOYMENT OF PARTICI-
12 PANTS.—Section 141(e) of such Act (29 U.S.C 1551(e))
13 is amended—

14 (1) by striking paragraph (1); and

15 (2) in paragraph (2)—

16 (A) by striking “(2)”;

17 (B) by striking “service delivery area”
18 each place it appears and inserting “local
19 workforce development area”; and

20 (C) in the second sentence—

21 (i) by striking “private industry coun-
22 cil” and inserting “local workforce develop-
23 ment board”; and

24 (ii) by striking “section 104” and in-
25 serting “section 122(d)(1)”.

1 (e) PROHIBITION ON CERTAIN VOTES.—Subsection
 2 (f) of section 141 of such Act (29 U.S.C. 1551(f)) is here-
 3 by repealed.

4 (f) PAYMENTS TO EMPLOYERS FOR ON-THE-JOB
 5 TRAINING.—Section 141(g) of such Act (29 U.S.C.
 6 1551(g)) is amended—

7 (1) by striking paragraphs (1) through (3); and
 8 (2) in paragraph (4)—

9 (A) by striking “(4)”;

10 (B) by striking “In accordance with regu-
 11 lations issued by the Secretary, on-the-job
 12 training contracts” and inserting “On-the-job
 13 training contracts”; and

14 (C) by striking “with wages and employ-
 15 ment benefits” and all that follows and insert-
 16 ing a period.

17 (g) DUPLICATE FACILITIES OR SERVICES.—Section
 18 141(h) of such Act (29 U.S.C. 1551(h)) is amended to
 19 read as follows:

20 “(h)(1) Upon the approval of the Governor, real prop-
 21 erty in which, as of July 1, 1998, equity has resulted from
 22 funds provided under title III of the Social Security Act,
 23 section 903(c) of such Act (commonly referred to as the
 24 ‘Reed Act’), or the Wagner-Peyser Act (29 U.S.C. 49 et

1 seq.) may be used for the purposes of a full service employ-
2 ment and training delivery center.

3 “(2) Unless otherwise provided in a plan approved
4 pursuant to section 101, subsequent to the commencement
5 of the use of the property described in paragraph (1) for
6 the purposes of a full service employment and training de-
7 livery center, funds provided under the provisions of law
8 described paragraph (1) may only be used to acquire fur-
9 ther equity in such property, or to pay operating and
10 maintenance expenses relating to such property in propor-
11 tion to the extent of the use of such property attributable
12 to the activities authorized under such provisions of law.”.

13 (h) RESPONSIBILITIES OF ADMINISTRATIVE ENTI-
14 TIES.—Section 141(i) of such Act (29 U.S.C. 1551(i)) is
15 hereby repealed.

16 (i) PROHIBITION ON CERTAIN SUBSIDIZED EMPLOY-
17 MENT.—Section 141(k) of such Act (29 U.S.C. 1551(k))
18 is hereby repealed.

19 (k) CONSULTATION REQUIREMENTS.—Section
20 141(n) of such Act (29 U.S.C 1551(n)) is amended—

21 (1) by striking “private industry councils” each
22 place it appears and inserting “local workforce devel-
23 opment boards”;

24 (2) by striking “councils” and inserting
25 “boards”;

1 (3) by striking “service delivery area” each
2 place it appears and inserting “local workforce devel-
3 opment area”; and

4 (4) by striking “this Act” each place it appears
5 and inserting “title II or title III”.

6 (l) PROHIBITION ON USE OF FUNDS FOR PUBLIC
7 SERVICE EMPLOYMENT.—Section 141(p) of such Act (29
8 U.S.C 1551(p)) is amended—

9 (1) by striking “part B of this title or part A
10 or C of title II” and inserting “this Act”; and

11 (2) by inserting at the end before the period the
12 following: “except as specifically authorized under
13 this Act”.

14 (m) PROHIBITION ON USE OF FUNDS FOR CERTAIN
15 ECONOMIC ACTIVITIES.—Section 141(q) of such Act (29
16 U.S.C 1551(p)) is amended in the first sentence by insert-
17 ing at the end before the period the following: “which are
18 not directly related to training or related services for eligi-
19 ble individuals under this Act”.

20 (n) PRIORITY FOR EXCESS PROPERTY OF THE DE-
21 PARTMENT OF DEFENSE.—Section 141(s) of such Act (29
22 U.S.C. 1551(s)) is hereby repealed.

23 (o) PROHIBITION ON ENTITLEMENT TO SERVICE.—
24 Section 141 of such Act (29 U.S.C. 1551) is amended by
25 adding at the end the following:

1 “(s) PROHIBITION ON ENTITLEMENT TO SERVICE.—
 2 Nothing in this Act shall be construed to provide an indi-
 3 vidual with an entitlement to a service under this Act.”.

4 **SEC. 122. BENEFITS.**

5 Section 142(a) of the Job Training Partnership Act
 6 (29 U.S.C. 1552(a)) is amended—

7 (1) by striking all that precedes paragraph (4)
 8 and inserting the following:

9 “(a) WAGES.—

10 “(1) IN GENERAL.—Individuals in on-the-job
 11 training or individuals employed in activities under
 12 this Act shall be compensated at the same rates, in-
 13 cluding periodic increases, as trainees or employees
 14 who are similarly situated in similar occupations by
 15 the same employer and who have similar training,
 16 experience and skills, and such rates shall be in ac-
 17 cordance with applicable law, but in no event less
 18 than the higher of the rate specified in section
 19 6(a)(1) of the Fair Labor Standards Act of 1938
 20 (29 U.S.C. 206(a)(1)) or the applicable State or
 21 local minimum wage law.”; and

22 (2) by redesignating paragraph (4) as para-
 23 graph (2)

1 **SEC. 123. LABOR STANDARDS.**

2 Section 143 of the Job Training Partnership Act (29
3 U.S.C. 1553) is amended to read as follows:

4 **“SEC. 143. LABOR STANDARDS.**

5 “(a) LIMITATIONS ON ACTIVITIES THAT IMPACT
6 WAGES OF EMPLOYEES.—No funds provided under this
7 title shall be used to pay the wages of incumbent employ-
8 ees during their participation in economic development ac-
9 tivities provided through the statewide system.

10 “(b) DISPLACEMENT.—

11 “(1) PROHIBITION.—A participant in an activ-
12 ity authorized under title II, III, or IV of this Act
13 (referred to in this section as a ‘specified activity’)
14 shall not displace (including a partial displacement,
15 such as a reduction in the hours of nonovertime
16 work, wages, or employment benefits) any currently
17 employed employee (as of the date of the participa-
18 tion).

19 “(2) PROHIBITION ON IMPAIRMENT OF CON-
20 TRACTS.—A specified activity shall not impair an ex-
21 isting contract for services or collective bargaining
22 agreement, and no such activity that would be incon-
23 sistent with the terms of a collective bargaining
24 agreement shall be undertaken without the written
25 concurrence of the labor organization and employer
26 concerned.

1 “(d) OTHER PROHIBITIONS.—A participant in a
2 specified activity shall not be employed in a job—

3 “(1) when any other individual is on layoff from
4 the same or any substantially equivalent job;

5 “(2) when the employer has terminated the em-
6 ployment of any regular employee or otherwise re-
7 duced the workforce of the employer with the inten-
8 tion of filling the vacancy so created with the partic-
9 ipant; or

10 “(3) which is created in a promotional line that
11 will infringe in any way upon the promotional oppor-
12 tunities of currently employed individuals.

13 “(e) HEALTH AND SAFETY.—Health and safety
14 standards established under Federal and State law other-
15 wise applicable to working conditions of employees shall
16 be equally applicable to working conditions of participants
17 engaged in specified activities. To the extent that a State
18 workers’ compensation law applies, workers’ compensation
19 shall be provided to participants on the same basis as the
20 compensation is provided to other individuals in the State
21 in similar employment.

22 “(f) EMPLOYMENT CONDITIONS.—Individuals in on-
23 the-job training or individuals employed in activities under
24 this Act, shall be provided benefits and working conditions
25 at the same level and to the same extent as other trainees

1 or employees working a similar length of time and doing
2 the same type of work.

3 “(g) OPPORTUNITY TO SUBMIT COMMENTS.—Inter-
4 ested parties shall be provided an opportunity to submit
5 comments with respect to training programs proposed to
6 be funded under this Act.”.

7 **SEC. 124. GRIEVANCE PROCEDURE.**

8 Section 144 of the Job Training Partnership Act (29
9 U.S.C. 1554) is amended to read as follows:

10 **“SEC. 144. GRIEVANCE PROCEDURE.**

11 “(a) IN GENERAL.—Each State receiving an allot-
12 ment under this Act shall establish and maintain a proce-
13 dure for grievances or complaints alleging violations of the
14 requirements of this Act from participants and other in-
15 terested or affected parties. Such procedure shall include
16 an opportunity for a hearing and be completed within 60
17 days of filing the complaint.

18 “(b) INVESTIGATION.—

19 “(1) IN GENERAL.—The Secretary shall inves-
20 tigate an allegation of a violation described in sub-
21 section (a) if—

22 “(A) a decision relating to such violation
23 has not been reached within 60 days after the
24 date of the filing of the grievance or complaint
25 and either party appeals to the Secretary; or

1 “(B) a decision relating to such violation
2 has been reached within such 60 days and the
3 party to which such decision is adverse appeals
4 such decision to the Secretary.

5 “(2) ADDITIONAL REQUIREMENT.—The Sec-
6 retary shall make a final determination relating to
7 an appeal made under paragraph (1) no later than
8 120 days after receiving such appeal.

9 “(c) REMEDIES.—Remedies shall be limited—
10 “(1) to suspension or termination of payments
11 under this Act;

12 “(2) to prohibition of placement of a partici-
13 pant with an employer that has violated any require-
14 ments under this Act;

15 “(3) where applicable, to reinstatement of an
16 employee, payment of lost wages and benefits, and
17 reestablishment of other relevant terms, conditions
18 and privileges of employment; and

19 “(4) where appropriate, to other equitable re-
20 lief.”.

21 **SEC. 125. IDENTIFICATION OF ADDITIONAL IMPOSED RE-**
22 **QUIREMENTS.**

23 Section 124 of the Job Training Partnership Act (29
24 U.S.C. 1534) is amended—

1 (1) by redesignating such section as section 146
2 of such Act; and

3 (2) by inserting such section after section 145
4 of such Act.

5 **SEC. 126. AUTHORITY OF STATE LEGISLATURE.**

6 Section 126 of the Job Training Partnership Act (29
7 U.S.C. 1536) is amended—

8 (1) by redesignating such section as section 147
9 of such Act; and

10 (2) by inserting such section after section 146
11 of such Act.

12 **SEC. 127. INTERSTATE AGREEMENTS.**

13 Section 127 of the Job Training Partnership Act (29
14 U.S.C. 1537) is amended—

15 (1) by redesignating such section as section 148
16 of such Act; and

17 (2) by inserting such section after section 147
18 of such Act.

19 **CHAPTER 2—PERFORMANCE**

20 **ACCOUNTABILITY PROVISIONS**

21 **SEC. 131. PERFORMANCE ACCOUNTABILITY PROVISIONS.**

22 The Job Training Partnership Act (29 U.S.C. 1501
23 et seq.) is amended by inserting after part C of title I
24 of such Act the following:

1 **“SEC. 151. PERFORMANCE ACCOUNTABILITY SYSTEM.**

2 “In order to promote high levels of performance and
3 to ensure an appropriate return on the Nation’s invest-
4 ment in employment, training, and literacy programs, each
5 State receiving funds under this Act shall implement a
6 statewide performance accountability system that meets
7 the requirements of this subpart.

8 **“SEC. 152. INDICATORS OF PERFORMANCE.**

9 “(a) STATE BENCHMARKS.—

10 “(1) IN GENERAL.—Each State receiving funds
11 under this Act shall identify indicators and related
12 levels of performance (hereinafter referred to as
13 ‘State benchmarks’), for each of the programs estab-
14 lished under titles II, III, and V of this Act, to be
15 used to measure the State’s progress in meeting the
16 State long-term goals described in the State plan
17 under section 101. Such State benchmarks shall, at
18 a minimum—

19 “(A) include the core indicators of per-
20 formance described in section 154;

21 “(B) be expressed in an objective, quantifi-
22 able, and measurable form; and

23 “(C) show the progress of the State to con-
24 tinuously improve in performance over the 3-
25 year period covered by the State plan.

1 “(2) CUSTOMER SATISFACTION.—Such State
2 benchmarks may also include post-program surveys
3 and other measures of customer satisfaction of both
4 employers and program participants.

5 “(b) TECHNICAL DEFINITIONS OF CORE INDICA-
6 TORS.—In order to ensure nationwide comparability of
7 performance data, the Secretary of Labor and the Sec-
8 retary of Education, in collaboration with the States, local-
9 ities, representatives of business and industry, employees,
10 employment and training service providers, State directors
11 of adult education, providers of adult education and lit-
12 eracy services, individuals with expertise in serving the
13 employment and training needs of disadvantaged youth,
14 participants, parents and other interested parties with ex-
15 pertise in the provision of employment, training, literacy,
16 and related services, shall promulgate definitions of each
17 of the core indicators of performance described in section
18 154, with the exception of the indicators described under
19 subsections (a)(6), (c)(1), and (c)(5) of such section, to
20 be used under this Act in measuring performance.

21 **“SEC. 153. STATE ADJUSTED BENCHMARKS.**

22 “(a) NEGOTIATION.—

23 “(1) IN GENERAL.—In order to ensure an ade-
24 quate return on the investment of Federal funds in
25 employment, training, and literacy programs author-

1 ized under this Act, the appropriate Secretary is au-
2 thorized to negotiate with each State the levels of
3 performance expected to be achieved by such State
4 based upon the State’s benchmarks established pur-
5 suant to section 152(a)(1) (hereinafter referred to as
6 the ‘State adjusted benchmarks’), for the core indi-
7 cators of performance described in section 154 (ex-
8 cept for the indicators described under subsection
9 (a)(6), (c)(1), and (c)(5) of such section). Such ne-
10 negotiations shall take into account—

11 “(A) whether the levels will enable each
12 State to attain the State goals;

13 “(B) how the levels compare with the levels
14 established by other States, taking into consid-
15 eration the specific circumstances, including
16 economic circumstances, of each State;

17 “(C) how the levels compare with the
18 model levels of performance identified pursuant
19 to subsection (c); and

20 “(D) the extent to which such levels dem-
21 onstrate continuous improvement in perform-
22 ance by such State and ensure an adequate re-
23 turn on the investment of Federal funds.

24 “(2) AUTHORITY OF GOVERNOR.—The Gov-
25 ernor of a State is authorized to carry out the nego-

1 tiation described in paragraph (1) for programs au-
 2 thorized under titles II and III.

3 “(3) AUTHORITY OF ELIGIBLE STATE AGEN-
 4 CY.—The eligible State agency for adult education
 5 and literacy programs is authorized to carry out the
 6 negotiation described in paragraph (1) for programs
 7 authorized under title V.

8 “(b) LOCAL BENCHMARKS FOR EMPLOYMENT AND
 9 TRAINING PROGRAMS.—Based on the expected levels of
 10 performance established pursuant to subsection (a), each
 11 State shall negotiate with the local workforce development
 12 board and the chief local elected official in each local
 13 workforce development area (consistent with section
 14 122(d)(6)(A)) the levels of performance for each indicator
 15 that are expected for such local workforce development
 16 areas. Such levels of performance shall be known as ‘local
 17 benchmarks’.

18 “(c) MODEL LEVELS OF PERFORMANCE.—In order
 19 to encourage high levels of performance and advance the
 20 Nation’s competitiveness, the Secretary of Labor and the
 21 Secretary of Education, in collaboration with the States,
 22 localities, and with representatives of business and indus-
 23 try, employees, employment and training service providers,
 24 State directors of adult education, providers of adult edu-
 25 cation and literacy services, individuals with expertise in

1 serving the employment and training needs of disadvan-
2 tagged youth, participants, parents and other interested
3 parties with expertise in the provision of employment,
4 training, literacy, and related services, shall identify chal-
5 lenging model levels of performance (hereinafter referred
6 to as ‘model levels of performance’) with respect to the
7 core indicators of performance described in section 154,
8 with the exception of the indicators described under para-
9 graphs (a)(6) and (c)(1).

10 **“SEC. 154. CORE INDICATORS OF PERFORMANCE.**

11 “(a) COMMON CORE INDICATORS FOR ADULT PRO-
12 GRAMS.—The common core indicators of performance for
13 programs authorized under titles III and V of this Act
14 shall include measures of—

15 “(1) placement in unsubsidized employment;

16 “(2) retention in unsubsidized employment for
17 not less than 6 months and for not less than 12
18 months, respectively;

19 “(3) increases in earnings or in earnings in
20 combination with employer-assisted benefits;

21 “(4) reductions in welfare dependency;

22 “(5) attainment of industry-recognized occupa-
23 tional skills;

24 “(6) attainment of a high school diploma or a
25 general equivalency diploma; and

1 “(7) such other measures of performance as the
2 State may wish to collect.

3 “(b) ADDITIONAL CORE INDICATORS FOR ADULT
4 EDUCATION AND LITERACY PROGRAMS.—In addition to
5 the common core indicators described in subsection (a),
6 the core indicators of performance for programs conducted
7 under title V shall include measures of—

8 “(1) demonstrated improvements in State lit-
9 eracy and numeracy skill levels;

10 “(2) placement in, retention in, or completion
11 of, post-secondary education, or training; and

12 “(3) attainment of the literacy skills and knowl-
13 edge individuals need to be productive and respon-
14 sible citizens and to become more actively involved in
15 the education of their children.

16 “(c) CORE INDICATORS FOR DISADVANTAGED
17 YOUTH.—The core indicators of performance for pro-
18 grams conducted under title II shall include measures of—

19 “(1) attainment of challenging State academic
20 proficiencies;

21 “(2) attainment of secondary school diplomas
22 or general equivalency diplomas;

23 “(3) attainment of industry-recognized work
24 readiness and occupational skills;

1 “(4) placement in, retention in, and completion
2 of postsecondary education or advanced training, or
3 placement and retention in military service, employ-
4 ment, or qualified apprenticeships; and

5 “(5) such other measures of performance as the
6 State may wish to collect.

7 “(d) POPULATION INDICATORS.—

8 “(1) ADULT EMPLOYMENT AND TRAINING PRO-
9 GRAMS.—The core indicators of performance for
10 programs conducted under title III, as provided
11 under subsection (a), shall include measures of the
12 success of individuals with multiple barriers to em-
13 ployment, including economically disadvantaged indi-
14 viduals (including welfare recipients), older workers,
15 and other individuals as determined by the State.

16 “(2) ADULT EDUCATION AND LITERACY PRO-
17 GRAMS.—The core indicators of performance for
18 programs conducted under title V, as provided under
19 subsections (a) and (b), shall include measures of
20 the success of economically disadvantaged individ-
21 uals, individuals with limited literacy (as determined
22 by the eligible agency), and other individuals as de-
23 termined by the eligible agency.

24 “(3) DISADVANTAGED YOUTH PROGRAMS.—The
25 core indicators of performance for programs con-

1 ducted under title II, as provided under subsection
2 (c), shall include measures of the success of hard to
3 serve youth, including individuals who are school
4 dropouts or whose educational attainment is one or
5 more grade levels below the grade level appropriate
6 to the age of the individual, and other individuals as
7 determined by the State.

8 **“SEC. 155. REPORT ON PERFORMANCE.**

9 “(a) IN GENERAL.—Each State that receives funds
10 under titles II, III, and V of this Act shall annually pre-
11 pare and submit to the Secretary of Labor and the Sec-
12 retary of Education (for consideration by the appropriate
13 Secretary) a report on the levels of performance achieved
14 by the State with respect to the State adjusted bench-
15 marks identified pursuant to section 153(a), and by each
16 local workforce development area with respect to the local
17 benchmarks identified pursuant to section 153(b) for pro-
18 grams authorized under title II and title III for each pro-
19 gram year. In preparing such report, the State may in-
20 clude information on such additional benchmarks as the
21 State may establish to meet the State goals.

22 “(b) INFORMATION DISSEMINATION.—The Secretary
23 of Labor and the Secretary of Education—

1 “(1) shall make the information contained in
2 such reports available to the general public through
3 publication and other appropriate methods;

4 “(2) shall disseminate State-by-State compari-
5 sons of the information; and

6 “(3) shall provide the appropriate congressional
7 committees with copies of such reports.

8 **“SEC. 156. INCENTIVE GRANTS AND SANCTIONS.**

9 “(a) INCENTIVE GRANTS.—

10 “(1) AWARD OF GRANTS.—From amounts made
11 available under section 452 and section 502 for any
12 fiscal year, the Secretaries may award incentive
13 grants to States that—

14 “(A) exceed, during the most recent 12-
15 month period for which data are available, the
16 adjusted State benchmarks described under sec-
17 tion 153(a);

18 “(B) demonstrate continuing progress to-
19 ward exceeding, during the 3-year period cov-
20 ered by the State plan submitted under section
21 101, the adjusted State benchmarks described
22 under section 153(a); or

23 “(C) demonstrate significant progress in
24 the coordination and integration of employment,
25 training, literacy, and other human resource

1 and workforce preparation programs within the
2 State, and demonstrate high performance in
3 such programs.

4 “(2) TECHNICAL ASSISTANCE.—The Secretary,
5 upon request, shall provide technical assistance to
6 any State that does not qualify for receipt of an in-
7 centive grant under paragraph (1).

8 “(3) USE OF FUNDS.—A State that receives an
9 incentive grant under paragraph (1) may use funds
10 made available under such grant only to carry out
11 employment, training, or literacy activities.

12 “(b) SANCTIONS.—

13 “(1) STATES.—

14 “(A) TECHNICAL ASSISTANCE.—If a State
15 fails to meet expected levels of performance for
16 a program for any program year as established
17 pursuant to section 153(a), the Secretary of
18 Labor for programs established under title II
19 and title III, or the Secretary of Education for
20 programs established under title V, shall, upon
21 request, provide technical assistance, including
22 assistance in the development of a performance
23 improvement plan.

24 “(B) REDUCTION IN AMOUNT OF
25 GRANT.—If such failure continues for a second

1 consecutive year, the appropriate Secretary may
2 reduce by not more than 5 percent, the amount
3 of the grant that would (in the absence of this
4 paragraph) be payable to the State under such
5 program for the immediately succeeding pro-
6 gram year. Such penalty shall be based on the
7 degree of failure to meet adjusted levels of per-
8 formance.

9 “(2) LOCAL AREAS.—

10 “(A) TECHNICAL ASSISTANCE.—If a local
11 workforce development area, or other applicable
12 local administrative entity, fails to meet ex-
13 pected levels of performance for a program for
14 any program year under section 153(b), the
15 Governor, upon request to the Secretary, shall
16 provide technical assistance, including the devel-
17 opment of a performance improvement plan.

18 “(B) CORRECTIVE ACTIONS.—

19 “(i) IN GENERAL.—If such failure
20 continues for a second consecutive year,
21 the Governor shall take corrective actions,
22 which may include development of a reor-
23 ganization plan through which the Gov-
24 ernor may require the appointment of a
25 new local board (consistent with the cri-

1 teria established under section 122(b)),
2 prohibit the use of designated service pro-
3 viders, require the redesignation of a local
4 administrative entity (in such case chosen
5 jointly by the Governor and the chief elect-
6 ed official in the local workforce develop-
7 ment area), or such other actions as the
8 Governor determines are appropriate, con-
9 sistent with State law, and the require-
10 ments of this subparagraph.

11 “(ii) APPEAL BY WORKFORCE DEVEL-
12 OPMENT AREA.—A workforce development
13 area that is subject to a reorganization
14 plan under clause (i) may, not later than
15 30 days after receiving notice thereof, ap-
16 peal to the Secretary to rescind or revise
17 such plan. In such case, the Secretary shall
18 make a final decision not later than 45
19 days after the receipt of the appeal.

20 “(iii) EFFECTIVE DATE.—The actions
21 taken by the Governor under clause (i)
22 shall not become effective until the time
23 the appeal has expired (consistent with
24 clause (ii)), or the Secretary has issued a
25 final decision.”.

1 **CHAPTER 3—OTHER PROVISIONS**

2 **SEC. 141. PROMPT ALLOCATION OF FUNDS.**

3 Section 162 of the Job Training Partnership Act (29
4 U.S.C. 1572) is amended—

5 (1) in the second sentence of subsection (a), by
6 striking “1980 Census or later data” and inserting
7 “the most recent satisfactory data from the Bureau
8 of the Census”; and

9 (2) by striking subsection (f).

10 **SEC. 142. FISCAL CONTROLS; SANCTIONS.**

11 (a) ESTABLISHMENT OF FISCAL CONTROLS BY
12 STATES.—Section 164(a) of the Job Training Partnership
13 Act (29 U.S.C. 1574(a)) is amended—

14 (1) in paragraph (2)(C), by striking “except as
15 specifically provided by this Act” and inserting “,
16 and procurement transactions between workforce de-
17 velopment boards and such governments shall be
18 conducted only on a cost-reimbursable basis”;

19 (2) in paragraph (3), by striking the second
20 sentence and all that follows;

21 (3) in paragraph (4), by striking “service deliv-
22 ery area and substate area” and inserting
23 “workforce development area”;

1 (4) in paragraph (5), by striking “service deliv-
2 ery area or substate area” and inserting “workforce
3 development area”; and

4 (5) by striking paragraph (8).

5 (b) SANCTIONS.—Section 164(b) of such Act (29
6 U.S.C. 1574(b)) is amended—

7 (1) in paragraph (1)—

8 (A) in the matter preceding subparagraph

9 (A)—

10 (i) by striking “provision of” and in-
11 serting “requirement under”; and

12 (ii) by striking “or the regulations
13 under this Act”;

14 (B) in subparagraph (A), by inserting
15 “local” before “plan”; and

16 (C) in subparagraph (B)—

17 (i) in clause (i), by striking “private
18 industry council” and inserting “workforce
19 development board”;

20 (ii) in clause (iii), by striking “service
21 delivery” and inserting “workforce develop-
22 ment”; and

23 (iii) in clause (iv), by striking “service
24 delivery” each place it appears and insert-
25 ing “workforce development”; and

1 (2) in paragraph (2)—

2 (A) in subparagraph (A)—

3 (i) in the matter preceding clause

4 (i)—

5 (I) by striking “paragraph

6 (1)(A)” and inserting “subparagraphs

7 (A) and (B) of paragraph (1)”;

8 (II) by striking “under the same

9 terms and conditions as the dis-

10 approval of the plan”; and

11 (ii) in clause (i), by inserting “the”

12 before “appeal”; and

13 (B) in subparagraph (B)—

14 (i) by striking “The actions” and all

15 that follows through “, who” and inserting

16 “The Secretary”; and

17 (ii) by striking “60” and inserting

18 “45”.

19 (c) EVALUATION BY COMPTROLLER GENERAL OF

20 THE UNITED STATES.—Subsection (c) of section 164 of

21 such Act (29 U.S.C. 1574(c)) is hereby repealed.

22 (d) REPAYMENT OF MISEXPENDITURES TO THE

23 UNITED STATES.—Subsection (d) of section 164 of such

24 Act (29 U.S.C. 1574(d)) is amended to read as follows:

1 “(d) REPAYMENT OF CERTAIN AMOUNTS TO THE
2 UNITED STATES.—

3 “(1) IN GENERAL.—Every recipient of funds
4 under titles II and III of this Act shall repay to the
5 United States amounts found not to have been ex-
6 pended in accordance with this Act.

7 “(2) OFFSET OF REPAYMENT.—If the Secretary
8 determines that a State has expended funds made
9 available under this Act in a manner contrary to the
10 requirements of this Act, the Secretary may offset
11 repayment of such expenditures against any other
12 amount to which the State is or may be entitled to,
13 except as provided under subsection (e)(1).

14 “(3) REPAYMENT FROM DEDUCTION BY
15 STATE.—If the Secretary requires a State to repay
16 funds as a result of a determination that a local re-
17 cipient or a subgrantee of such recipient in a local
18 workforce development area of the State has ex-
19 pended funds contrary to the requirements of this
20 Act, the Governor of the State may use an amount
21 deducted under paragraph (4) to repay the funds,
22 except as provided under subsection (e)(1).

23 “(4) DEDUCTION BY STATE.—The Governor
24 may deduct an amount equal to the misexpenditure
25 described in paragraph (3) from subsequent pro-

1 gram year allocations to the local workforce develop-
 2 ment area from funds reserved for the administra-
 3 tive costs of such local programs under title II or
 4 title III, as appropriate.

5 “(5) LIMITATIONS.—A deduction made by a
 6 State as described under paragraph (4) shall not be
 7 made until such time as the Governor has taken ap-
 8 propriate corrective action to ensure full compliance
 9 within such local workforce development area with
 10 regard to appropriate expenditures of funds under
 11 this Act.”.

12 (e) REPAYMENT OF CERTAIN AMOUNTS TO THE
 13 UNITED STATES.—Subsection (e) of section 164 of such
 14 Act (29 U.S.C. 1574(e)) is amended—

15 (1) in paragraph (1)—

16 (A) in the first sentence—

17 (i) by inserting “by the Secretary”
 18 after “upon a determination”;

19 (ii) by striking “or failure” and in-
 20 serting “failure”; and

21 (iii) by inserting before the period at
 22 the end the following: “, or a pattern of
 23 failure with respect to paragraphs (2) and
 24 (3) of subsection (d); and

25 (B) in the second sentence—

1 (i) by inserting “under this subsection
 2 or subsection (d)” after “shall be made”;
 3 and

4 (ii) by inserting before the period at
 5 the end the following: “has been given to
 6 the recipient”; and

7 (2) in paragraph (3), by striking the second
 8 sentence.

9 (f) REMEDIES CONSTRUED AS EXCLUSIVE REM-
 10 EDIES.—Subsection (h) of section 164 of such Act (29
 11 U.S.C. 1574(h)) is hereby repealed.

12 **SEC. 143. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

13 Section 165 of the Job Training Partnership Act (29
 14 U.S.C. 1575) is amended by striking subsection (h).

15 **SEC. 144. ADMINISTRATIVE ADJUDICATION.**

16 Section 166(a) of the Job Training Partnership Act
 17 (29 U.S.C. 1576(a)) is amended by striking the last sen-
 18 tence.

19 **SEC. 145. NONDISCRIMINATION.**

20 Section 167 of the Job Training Partnership Act (29
 21 U.S.C. 1577) is amended to read as follows:

22 **“SEC. 167. NONDISCRIMINATION.**

23 “(a) EFFECT ON OTHER LAWS.—Nothing in this Act
 24 shall be construed to modify or affect any Federal or State

1 law prohibiting discrimination on the basis of race, color,
2 religion, sex, national origin, age, or disability.

3 “(b) NONDISCRIMINATION.—No individual may be
4 discriminated against with respect to participation in spec-
5 ified activities because of race, color, religion, sex, national
6 origin, age, or disability, consistent with other applicable
7 laws.”.

8 **SEC. 146. JUDICIAL REVIEW.**

9 Section 168 of the Job Training Partnership Act (29
10 U.S.C. 1578) is hereby repealed.

11 **SEC. 147. ADMINISTRATIVE PROVISIONS.**

12 Section 169 of the Job Training Partnership Act (29
13 U.S.C. 1579) is amended—

14 (1) in the first sentence of subsection (a), by
15 striking “such rules and regulations” and all that
16 follows and inserting “rules and regulations only to
17 the extent necessary to administer and ensure com-
18 pliance with the specific requirements of this Act.”;
19 and

20 (2) by striking subsection (e).

21 **SEC. 148. PRESIDENTIAL AWARDS FOR OUTSTANDING PRI-**
22 **VATE SECTOR INVOLVEMENT IN JOB TRAIN-**
23 **ING PROGRAMS.**

24 Section 172 of the Job Training Partnership Act (29
25 U.S.C. 1582) is hereby repealed.

1 **SEC. 149. CONSTRUCTION.**

2 Section 173 of the Job Training Partnership Act (29
3 U.S.C. 1583) is hereby repealed.

4 **SEC. 150. LIMITATION ON CERTAIN COSTS.**

5 Part D of the Job Training Partnership Act (29
6 U.S.C. 1571 et seq.), as amended by this Act, is further
7 amended by adding at the end the following:

8 **“SEC. 172. LIMITATION ON CERTAIN COSTS.**

9 “(a) IN GENERAL.—The Secretary, after consulta-
10 tion with the Inspector General of the Department of
11 Labor and the Comptroller General of the United States,
12 shall develop regulations that define ‘administrative costs’
13 for purposes of programs under titles II and III. Such def-
14 inition shall reflect generally accepted accounting prin-
15 ciples.

16 “(b) LIMITATION.—

17 “(1) IN GENERAL.—Of the amounts allocated
18 to local workforce development areas for a program
19 year under titles II and III, not more than 10 per-
20 cent of such amounts may be expended for adminis-
21 trative costs.

22 “(2) DEFINITION.—For purposes of paragraph
23 (1), the term ‘allocated’ means allocated for a pro-
24 gram year, as adjusted for reallocations and reallocot-
25 ments and for transfers of funds in accordance with
26 this Act.”.

Subtitle D—Miscellaneous Provisions

3 SEC. 161. CRIMINAL PROVISIONS.

4 (a) IN GENERAL.—Section 182 of the Job Training
5 Partnership Act is hereby repealed.

6 (b) SAVINGS PROVISION.—The repeal of section 182
7 of such Act made by subsection (a) does not affect in any
8 way the amendment made by such section 182.

9 SEC. 162. REFERENCE.

10 Section 183 of the Job Training Partnership Act (29
11 U.S.C. 1592) is amended to read as follows:

12 “SEC. 183. REFERENCE.

13 “Effective on the date of the enactment of the Em-
14 ployment, Training, and Literacy Enhancement Act of
15 1997, all references in any other provision of law (other
16 than section 665 of title 18, United States Code) to the
17 Comprehensive Employment and Training Act, or to the
18 Job Training Partnership Act, as the case may be, shall
19 be deemed to refer to Employment, Training, and Literacy
20 Enhancement Act.”.

21 SEC. 163. REPEALERS.

22 (a) IN GENERAL.—Section 184 of the Job Training
23 Partnership Act (29 U.S.C. 801 et seq.) is hereby re-
24 pealed.

1 (b) SAVINGS PROVISION.—The repeal of section 184
2 of such Act made by subsection (a) does not affect in any
3 way the repealers made by such section 184.

4 **TITLE II—AMENDMENTS TO EM-**
5 **PLOYMENT AND TRAINING**
6 **PROGRAMS FOR DISADVAN-**
7 **TAGED YOUTH**

8 **SEC. 201. ADULT TRAINING PROGRAM.**

9 Title II of the Job Training Partnership Act (29
10 U.S.C. 1601 et seq.) is amended by striking part A of
11 such title.

12 **SEC. 202. SUMMER YOUTH EMPLOYMENT AND TRAINING**
13 **PROGRAM.**

14 Title II of the Job Training Partnership Act (29
15 U.S.C. 1601 et seq.) is amended by striking part B of
16 such title.

17 **SEC. 203. DISADVANTAGED YOUTH EMPLOYMENT AND**
18 **TRAINING OPPORTUNITIES GRANTS.**

19 (a) AUTHORIZATION.—Title II of the Job Training
20 Partnership Act (29 U.S.C. 1601 et seq.), as amended by
21 this Act, is further amended—

22 (1) in the heading to read as follows:

1 **“TITLE II—DISADVANTAGED**
 2 **YOUTH EMPLOYMENT AND**
 3 **TRAINING OPPORTUNITIES**
 4 **GRANTS”;**

5 (2) by striking the heading for part C of such
 6 title;

7 (3) by redesignating section 261 as section 201;
 8 and

9 (4) by inserting after section 201 (as redesign-
 10 nated) the following:

11 **“SEC. 202. AUTHORIZATION.**

12 “(a) IN GENERAL.—In the case of each State that
 13 in accordance with the requirements of sections 101 and
 14 102 submits to the Secretary of Labor (hereinafter in this
 15 title referred to as the ‘Secretary’) a State plan, the Sec-
 16 retary shall provide a grant to the State for the purpose
 17 of providing employment, job training, educational, and
 18 related assistance for disadvantaged youth in the State.

19 “(b) AMOUNT.—The grant shall consist of the allot-
 20 ment determined for the State under section 203.”.

21 (b) ALLOTMENT AND ALLOCATION AMONG
 22 STATES.—Title II of the Job Training Partnership Act
 23 (29 U.S.C. 1601 et seq.), as amended by this Act, is fur-
 24 ther amended—

1 (1) by redesignating section 262 as section 203;

2 and

3 (2) in section 203 (as redesignated)—

4 (A) in the heading to read as follows:

5 **“SEC. 203. ALLOTMENT AND ALLOCATION AMONG STATES.”;**

6 (B) by striking subsections (b) and (c);

7 (C) by redesignating subsections (a) and
8 (d) as subsections (b) and (c), respectively;

9 (D) by inserting before subsection (b) (as
10 redesignated) the following:

11 “(a) IN GENERAL.—Of the amount appropriated pur-
12 suant to section 3(a)(1) to carry out this title for a fiscal
13 year, the Secretary shall allot such amount in accordance
14 with subsection (b).”;

15 (E) in subsection (b) (as redesignated)—

16 (i) in the heading to read as follows:

17 “(b) ALLOTMENT AMONG STATES.—”;

18 (ii) in paragraph (1) to read as fol-
19 lows:

20 “(1) OUTLYING AREAS.—

21 “(A) IN GENERAL.—From the amount ap-
22 propriated for any fiscal year to carry out this
23 title, the Secretary shall reserve not more than
24 one quarter of one percent to provide assistance
25 to the outlying areas and, for each of the fiscal

1 years 1998 through 2001, the freely associated
2 states, except that the amount reserved for the
3 freely associated states for any such fiscal year
4 shall not exceed the amount received by such
5 states for fiscal year 1997 from amounts re-
6 served under section 262(a)(1) of the Job
7 Training Partnership Act (29 U.S.C.
8 1642(a)(1)) (as such section was in effect on
9 the day before the date of the enactment of
10 Employment, Training, and Literacy Enhance-
11 ment Act of 1997).

12 “(B) LIMITATION FOR FREELY ASSOCI-
13 ATED STATES.—

14 “(i) COMPETITIVE GRANTS.—Using
15 funds allotted for the freely associated
16 states under subparagraph (A), the Sec-
17 retary shall award grants to Guam, Amer-
18 ican Samoa, the Commonwealth of the
19 Northern Mariana Islands, and the freely
20 associated states to carry out the purposes
21 of this title.

22 “(ii) AWARD BASIS.—The Secretary
23 shall award grants pursuant to clause (i)
24 on a competitive basis and pursuant to the
25 recommendations of experts in the field of

1 employment and training, working through
2 the Pacific Region Educational Laboratory
3 in Honolulu, Hawaii.

4 “(iii) ASSISTANCE REQUIREMENTS.—
5 A freely associated state that desires to re-
6 ceive amounts under this title shall include
7 in its application for assistance—

8 “(I) information demonstrating
9 that it will meet all conditions that
10 apply to States under this title;

11 “(II) an assurance that, notwith-
12 standing any other provision of this
13 title, it will use such amounts only for
14 the direct provision of services; and

15 “(III) such other information and
16 assurances as the Secretary may re-
17 quire.

18 “(iv) TERMINATION OF ELIGI-
19 BILITY.—Notwithstanding any other provi-
20 sion of law, the freely associated states
21 shall not receive any funds under this title
22 for any program year that begins after
23 September 30, 2001.

24 “(v) ADMINISTRATIVE COSTS.—The
25 Secretary may provide not more than 5

1 percent of the amount made available for
2 grants under this subparagraph to pay the
3 administrative costs of the Pacific Region
4 Educational Laboratory in Honolulu, Ha-
5 waii, regarding activities assisted under
6 this section.

7 “(C) ADDITIONAL REQUIREMENT.—The
8 provisions of Public Law 95–134, permitting
9 the consolidation of grants by the outlying
10 areas, shall not apply to funds provided to those
11 areas or to the freely associated states under
12 this section.

13 “(D) DEFINITION.—For purposes of this
14 paragraph, the term ‘freely associated states’
15 means the Republic of the Marshall Islands, the
16 Federated States of Micronesia, and the Repub-
17 lic of Palau.”; and

18 (iii) in paragraph (2)—

19 (I) by inserting after the heading
20 the following:

21 “(A) IN GENERAL.—”;

22 (II) by striking “82 percent of
23 the remainder” and all that follows
24 and inserting the following: “the re-
25 maining amount to the States pursu-

1 ant to the formula contained in sub-
2 paragraph (B).”; and

3 (III) by adding at the end the
4 following:

5 “(B) FORMULA.—Subject to the provisions
6 of subparagraphs (C) and (D) of the amounts
7 allotted to States for this title for each fiscal
8 year—

9 “(i) $33\frac{1}{3}$ percent shall be allotted on
10 the basis of the relative number of unem-
11 ployed individuals residing in areas of sub-
12 stantial unemployment within each State
13 as compared to the total number of such
14 unemployed individuals in all such areas of
15 substantial unemployment in all States;

16 “(ii) $33\frac{1}{3}$ percent shall be allotted on
17 the basis of the relative excess number of
18 unemployed individuals who reside in each
19 State as compared to the total excess num-
20 ber of unemployed individuals in all States;
21 and

22 “(iii) $33\frac{1}{3}$ percent shall be allotted on
23 the basis of the relative number of eco-
24 nomically disadvantaged youth within each
25 State as compared to the total number of

1 economically disadvantaged youth in all
2 States.

3 “(C) MINIMUM ALLOTMENT.—

4 “(i) MINIMUM PERCENTAGE.—No
5 State shall be allotted less than 90 percent
6 of its allotment percentage for the fiscal
7 year preceding the fiscal year for which the
8 determination is made.

9 “(ii) MAXIMUM PERCENTAGE.—No
10 State shall be allotted more than 130 per-
11 cent of its allotment percentage for the fis-
12 cal year preceding the fiscal year for which
13 the determination is made.

14 “(D) SMALL STATE MINIMUM ALLOT-
15 MENT.—No State shall receive less than one-
16 quarter of one percent of the amount available
17 under this title for a fiscal year. Amounts nec-
18 essary for increasing such payments to States
19 to comply with the preceding sentence shall be
20 obtained by ratably reducing the amounts to be
21 paid to other States.”; and

22 (F) in subsection (c)(1)(A) (as redesign-
23 nated)—

24 (i) in the heading, by striking “ECO-
25 NOMICALLY”; and

1 (ii) in the matter preceding clause (i),
2 by striking “economically”.

3 (c) ALLOCATION WITHIN STATES.—Title II of the
4 Job Training Partnership Act (29 U.S.C. 1601 et seq.),
5 as amended by this Act, is further amended by inserting
6 after section 203 the following:

7 **“SEC. 204. ALLOCATION WITHIN STATES.**

8 **“(a) RESERVATION FOR STATE ACTIVITIES.—**

9 **“(1) IN GENERAL.—**The Governor of the State
10 shall reserve not more than 15 percent of the
11 amount allotted to the State under section 212(b)
12 for a fiscal year to carry out the activities described
13 in this subsection.

14 **“(2) REQUIRED ACTIVITIES.—**Such activities
15 shall include the provision of additional assistance to
16 areas that have high concentrations of disadvan-
17 taged youth to carry out the activities described in
18 section 206.

19 **“(3) DISCRETIONARY ACTIVITIES.—**Such activi-
20 ties may include—

21 **“(A)** subject to paragraph (4), administra-
22 tion by the State of programs under this title;

23 **“(B)** capacity building and technical assist-
24 ance to local workforce development areas and
25 to providers of disadvantaged youth services as

1 authorized under this title, including the devel-
2 opment and training of staff, members of local
3 workforce development boards, and employers
4 and workplace mentors providing training
5 through programs authorized under this title;

6 “(C) incentives for program coordination
7 and integration, performance awards, and re-
8 search and demonstrations;

9 “(D) implementation of innovative dis-
10 advantaged youth employment and training pro-
11 grams, pilot projects, and demonstration
12 projects which further the purposes of this title;
13 and

14 “(E) support for a common management
15 information system across employment, train-
16 ing, literacy, and human resource programs as
17 identified in section 103.

18 “(4) LIMITATION.—Of the amount reserved by
19 the Governor under paragraph (1), not more than 5
20 percent of the total amount allotted to the State
21 under section 203(b) may be used for administration
22 by the State of programs under this title.

23 “(b) WITHIN STATE ALLOCATION.—

24 “(1) IN GENERAL.—The Governor of the State
25 shall allocate the remainder of the amount allotted

1 to the State under section 203(b) to workforce devel-
2 opment areas designated under section 121, for the
3 purpose of providing services for disadvantaged
4 youth in accordance with section 206.

5 “(2) WITHIN STATE FORMULA.—

6 “(A) ESTABLISHMENT.—The Governor,
7 through the collaborative process under section
8 102, and after consultation with local chief
9 elected officials in the local workforce develop-
10 ment area, shall develop a formula for the allo-
11 cation of the remainder of funds described in
12 paragraph (1) to workforce development areas,
13 taking into account—

14 “(i) the relative number of unem-
15 ployed individuals residing in areas of sub-
16 stantial unemployment within each local
17 workforce development area, as compared
18 to the total number of such unemployed in-
19 dividuals residing within the State;

20 “(ii) the relative number of disadvan-
21 taged youth residing within each local
22 workforce development area as compared
23 to the total number of disadvantaged youth
24 residing within the State;

1 “(iii) the relative excess number of
 2 unemployed individuals who reside within
 3 each local workforce development area as
 4 compared to the total excess number of un-
 5 employed individuals residing within the
 6 State; and

7 “(iv) such additional factors as are
 8 determined appropriate by the State.

9 “(B) ADDITIONAL FACTORS.—In establish-
 10 ing such formula, the Governor shall ensure
 11 that—

12 “(i) funds are distributed equitably
 13 throughout the State;

14 “(ii) factors described in subpara-
 15 graph (A) do not receive disproportionate
 16 weighting; and

17 “(iii) such formula protects local
 18 workforce development areas from signifi-
 19 cant funding shifts from year to year.”.

20 (d) ELIGIBILITY FOR SERVICES.—Title II of the Job
 21 Training Partnership Act (29 U.S.C. 1601 et seq.), as
 22 amended by this Act, is further amended—

23 (1) by redesignating section 263 as section 205;

24 and

25 (2) in section 205 (as redesignated)—

1 (A) in subsection (a)—

2 (i) in the heading to read as follows:

3 “(a) IN GENERAL.—”;

4 (ii) in the matter preceding paragraph

5 (1)—

6 (I) by striking “subsections (e)

7 and (g)” and inserting “subsection

8 (e)”;

9 (II) by striking “who is in
10 school”; and

11 (III) by striking “part” and in-
12 serting “title”; and

13 (iii) in paragraph (1)(B) to read as
14 follows:

15 “(B) if provided in the local plan developed pur-
16 suant to section 122(d)(1), is age 14 through 24;
17 and”;

18 (B) in subsection (b)—

19 (i) by amending the heading to read
20 as follows:

21 “(b) PRIORITY FOR SERVICE.—”;

22 (ii) by redesignating paragraphs (1)
23 through (7) as subparagraphs (B) through
24 (H), respectively, and moving the margin

1 for each such subparagraph two ems to the
2 right;

3 (iii) by inserting before subparagraph
4 (B) (as redesignated) the following:

5 “(A) Individuals who are school drop-
6 outs.”;

7 (iv) in subparagraph (H) (as redesign-
8 ated) to read as follows:

9 “(H) Other disadvantaged youth who face
10 serious barriers to employment as identified by
11 the local workforce development area.”; and

12 (v) by amending the matter preceding
13 subparagraph (A) (as added by clause (iii))
14 to read as follows:

15 “(1) PRIORITY.—Of the disadvantaged youth
16 described in subsection (a), priority for service shall
17 be given to school dropouts and to other hard-to-
18 serve youth.

19 “(2) DEFINITION.—For the purposes of this
20 title, the term ‘hard-to-serve youth’ includes—”;

21 (C) by striking subsections (c), (d), (f),
22 (g), and (h);

23 (D) by redesignating subsection (e) as sub-
24 section (c); and

25 (E) in subsection (c) (as redesignated)—

1 (i) by striking “subsection (a)(2) or
 2 (c)(2)” and inserting “subsection (a)”; and
 3 (ii) by striking “of individuals who
 4 face” and all that follows and inserting
 5 “described in subparagraphs (A) through
 6 (G) of subsection (b)(2).”.

7 (e) USE OF FUNDS.—Title II of the Job Training
 8 Partnership Act (29 U.S.C. 1601 et seq.), as amended by
 9 this Act, is further amended—

10 (1) by redesignating section 264 as section 206;

11 (2) in section 206 (as redesignated)—

12 (A) by striking subsection (a);

13 (B) by redesignating subsections (b), (c),
 14 and (d) as subsections (a), (b), and (c), respec-
 15 tively;

16 (C) in subsection (a) (as redesignated)—

17 (i) in the heading to read as follows:

18 “(a) PROGRAM DESIGN.—”;

19 (ii) in paragraph (1)—

20 (I) in the heading to read as fol-
 21 lows:

22 “(1) ESSENTIAL ELEMENTS.—”;

23 (II) in the matter preceding sub-
 24 paragraph (A)—

1 (aa) by striking “part” and
2 inserting “title”; and

3 (bb) by striking “include”;

4 (III) in subparagraph (A)—

5 (aa) by inserting “provide”
6 after “(A)”;

7 (bb) by striking “skill levels
8 and service needs” and inserting
9 “academic levels, skill levels, and
10 service needs”; and

11 (cc) by striking “and sup-
12 portive service needs” and insert-
13 ing “supportive service needs,
14 and developmental needs of such
15 participants”;

16 (IV) in subparagraph (B)—

17 (aa) by striking “develop-
18 ment” and inserting “develop”;

19 (bb) by inserting “for each
20 participant” after “of service
21 strategies”; and

22 (V) by amending subparagraphs

23 (C) and (D) to read as follows:

24 “(C) integrate academic, occupational, and
25 work-based learning opportunities;

1 “(D) provide comprehensive guidance and
2 counseling;

3 “(E) provide postsecondary educational or
4 training opportunities, where appropriate;

5 “(F) involve employers and parents in the
6 design and implementation of programs; and

7 “(G) provide adult mentoring.”;

8 (iii) in paragraph (2)—

9 (I) in subparagraph (A)—

10 (aa) in the matter preceding
11 clause (i), by striking “service de-
12 livery” and inserting “workforce
13 development”; and

14 (bb) in clause (i), by striking
15 “service delivery” and inserting
16 “workforce development”; and

17 (II) in subparagraph (B)—

18 (aa) in clause (i), by striking
19 “(i)”; and

20 (bb) by striking clause (ii);

21 (D) in subsection (b) (as redesignated)—

22 (i) in the matter preceding paragraph
23 (1), by striking “part” and inserting
24 “title”;

25 (ii) in paragraph (1)—

1 (I) in subparagraph (A), by strik-
2 ing “section 204(b)(1)” and inserting
3 “section 314(c)(4)”;

4 (II) in subparagraph (C), by
5 striking “section 141(o)(1)” and in-
6 serting “section 141(11)(A)”;

7 (III) in subparagraph (F), by in-
8 serting after “(F)” the following:
9 “paid and unpaid work experience, in-
10 cluding summer employment opportu-
11 nities that are directly linked to aca-
12 demic, occupational, and workbased
13 learning opportunities, which may in-
14 clude”;

15 (IV) in subparagraph (G)—

16 (aa) by striking “in public
17 agencies, nonprofit agencies, and
18 other appropriate agencies, insti-
19 tutions, and organizations”; and

20 (bb) by adding “and” at the
21 end;

22 (V) by amending subparagraph
23 (H) to read as follows:

24 “(H) such other training and transition
25 services that assist disadvantaged youth in

1 making the transition to employment or to post-
2 secondary education or training, as determined
3 appropriate by the local workforce development
4 area.”; and

5 (VI) by striking subparagraphs

6 (I) through (L); and

7 (iii) in paragraph (2)—

8 (I) in subparagraph (A) to read

9 as follows:

10 “(A) assessment, outreach, staff develop-
11 ment, job development, and job search assist-
12 ance activities;”;

13 (II) in subparagraph (C), by

14 striking “and” at the end;

15 (III) in subparagraph (D)—

16 (aa) by striking “cash”; and

17 (bb) by striking the period

18 at the end and inserting “; and”;

19 and

20 (IV) by adding at the end the fol-

21 lowing:

22 “(E) peer-centered activities encouraging
23 responsibility and other positive social behaviors
24 during non-school hours.”;

25 (E) in subsection (c) (as redesignated)—

1 (i) in paragraph (1)—

2 (I) by striking “service delivery”
3 and inserting “workforce develop-
4 ment”;

5 (II) by striking “private industry
6 council” and inserting “local board”;
7 and

8 (III) by striking “section 453(c)”
9 and inserting “part D of title IV”;

10 (ii) in clauses (i) through (iii) of para-
11 graph (2)(B), by striking “service delivery”
12 each place it occurs and inserting
13 “workforce development”;

14 (iii) in paragraph (3)—

15 (I) in subparagraph (A)—

16 (aa) in the heading to read
17 as follows:

18 “(A) WORK-RELATED ACTIVITIES.—”;

19 (bb) in the first sentence, by
20 inserting after “work maturity
21 skills training” the following: “,
22 summer employment, job search
23 assistance, job club activities, and
24 other work-related activities”;

1 (cc) in the first sentence, by
2 striking “part” and inserting
3 “title”;

4 (dd) in the first sentence, by
5 striking “by either work experi-
6 ence or other additional services”
7 and inserting “by occupational
8 and academic learning opportuni-
9 ties”;

10 (ee) in the first sentence, by
11 striking “basic education or occu-
12 pational skills” and inserting
13 “basic education and occupa-
14 tional skills”; and

15 (ff) in the second sentence,
16 by striking “, including the Job
17 Corps”;

18 (II) by striking subparagraph
19 (B);

20 (III) by redesignating subpara-
21 graph (C) as subparagraph (B); and

22 (IV) in subparagraph (B) (as re-
23 designated)—

24 (aa) by striking clause (i);

1 (bb) by redesignating clause
 2 (ii) as clause (i);
 3 (cc) in clause (i) (as redesign-
 4 ated), by striking “part” and
 5 inserting “title”; and
 6 (dd) by redesignating clause
 7 (iii) as clause (ii)
 8 (iv) in paragraph (5)—
 9 (I) in the heading, by striking
 10 “COUNSELING” and inserting “FOL-
 11 LOW-UP, COUNSELING”;
 12 (II) by striking “part” and in-
 13 serting “title”; and
 14 (III) by striking “for a period of
 15 up to 1 year”;
 16 (v) by striking paragraph (6);
 17 (vi) in paragraph (7), by striking
 18 “service delivery” and inserting “workforce
 19 development” and
 20 (vii) by redesignating paragraph (7)
 21 as paragraph (6).

22 (f) SELECTION OF SERVICE PROVIDERS.—Title II of
 23 the Job Training Partnership Act (29 U.S.C. 1601 et
 24 seq.), as amended by this Act, is further amended by add-
 25 ing after section 206 (as redesignated), the following:

1 **“SEC. 207. SELECTION OF SERVICE PROVIDERS.**

2 “From funds made available under section 204(b) to
3 a local workforce development area, the local board for
4 such local area shall award grants, on a competitive basis,
5 to eligible providers to carry out the disadvantaged youth
6 programs described in section 206.”.

7 (g) EDUCATIONAL LINKAGES.—Title II of the Job
8 Training Partnership Act (29 U.S.C. 1601 et seq.), as
9 amended by this Act, is further amended—

10 (1) by redesignating section 265 as section 208;

11 (2) in section 208 (as redesignated)—

12 (A) in subsection (a), by striking “service
13 delivery” and inserting “workforce develop-
14 ment”;

15 (B) in subsection (b)—

16 (i) in the matter preceding paragraph
17 (1), by striking “service delivery” and in-
18 serting “workforce development”; and

19 (ii) in paragraph (6) to read as fol-
20 lows:

21 “(6) title I of the Personal Responsibility and
22 Work Opportunity Reconciliation Act of 1996;”;

23 (C) in subsection (c)—

24 (i) in the first sentence, by striking
25 “service delivery” and inserting “workforce
26 development”; and

1 (ii) in the second sentence, by striking
 2 “, including programs conducted under
 3 part A”; and
 4 (D) by striking subsection (d).

5 (h) TRANSFER OF FUNDS.—Title II of the Job
 6 Training Partnership Act (29 U.S.C. 1601 et seq.), as
 7 amended by this Act, is further amended by striking sec-
 8 tion 266.

9 **TITLE III—AMENDMENTS TO EM-**
 10 **PLOYMENT AND TRAINING**
 11 **PROGRAMS FOR ADULTS**

12 **SEC. 301. ADULT EMPLOYMENT AND TRAINING OPPORTU-**
 13 **NITIES GRANTS.**

14 Title III of the Job Training Partnership Act (29
 15 U.S.C. 1651 et seq.) is amended to read as follows:

16 **“TITLE III—ADULT EMPLOY-**
 17 **MENT AND TRAINING OPPOR-**
 18 **TUNITIES GRANTS**

19 **“SEC. 301. PURPOSE.**

20 “The purpose of this title is to establish a high-qual-
 21 ity, efficient system of employment, job training, and re-
 22 lated assistance that—

23 “(1) provides individuals with choice in the se-
 24 lection of employment and training options that will

1 facilitate the transition of such individuals into pro-
 2 ductive, high skills, private sector jobs;

3 “(2) provides quality training of such individ-
 4 uals for the 21st century; and

5 “(3) drives resources and authority to States
 6 and local communities for the design of job training
 7 programs.

8 **“PART A—ADULT EMPLOYMENT AND TRAINING**
 9 **OPPORTUNITIES GRANTS**

10 **“SEC. 311. AUTHORIZATION.**

11 “(a) IN GENERAL.—In the case of each State that
 12 in accordance with the requirements of sections 101 and
 13 102 submits to the Secretary of Labor (hereinafter in this
 14 title referred to as the ‘Secretary’) a State plan, the Sec-
 15 retary shall provide funds to the State for the purpose of
 16 providing employment, job training, and related assistance
 17 for adults in the State, in accordance with this title.

18 “(b) AMOUNT.—The funds described in subsection
 19 (a) shall consist of the allotments determined for the State
 20 under section 312.

21 **“SEC. 312. ALLOTMENT AMONG STATES.**

22 “(a) IN GENERAL.—Of the amount appropriated pur-
 23 suant to section 3(a)(2) to carry out this title for a fiscal
 24 year, the Secretary—

1 “(1) shall allot the total amount appropriated
2 pursuant to section 3(a)(2)(A) in accordance with
3 subsection (b)(1); and

4 “(2)(A) shall allot 80 percent of the amount ap-
5 propriated pursuant to section 3(a)(2)(B) in accord-
6 ance with the subsection (b)(2); and

7 “(B) shall reserve the remainder of the amount
8 appropriated pursuant to section 3(a)(2)(B) for use
9 under part B.

10 “(b) ALLOTMENT AMONG STATES.—

11 “(1) ADULT EMPLOYMENT AND TRAINING.—

12 “(A) RESERVATION FOR OUTLYING
13 AREAS.—

14 “(i) IN GENERAL.—Of the amount al-
15 lotted under subsection (a)(1), the Sec-
16 retary shall allot not more than one quar-
17 ter of one percent among the outlying
18 areas.

19 “(ii) APPLICABILITY OF ADDITIONAL
20 REQUIREMENTS.—Of the amount allotted
21 under clause (i), the Secretary shall award
22 grants to Guam, American Samoa, the
23 Commonwealth of the Northern Mariana
24 Islands, and the freely associated states in

1 accordance with the requirements of sec-
2 tion 203(b)(1).

3 “(B) STATES.—

4 “(i) IN GENERAL.—After determining
5 the amount to be allotted under subpara-
6 graph (A), the Secretary shall allot the re-
7 maining amount to the States pursuant to
8 the formula contained in clause (ii).

9 “(ii) FORMULA.—Subject to the provi-
10 sions of clause (iii), of the amounts allotted
11 to States for adult employment and train-
12 ing under this title for each fiscal year—

13 “(I) $33\frac{1}{3}$ percent shall be allot-
14 ted on the basis of the relative num-
15 ber of unemployed individuals residing
16 in areas of substantial unemployment
17 within each State as compared to the
18 total number of such unemployed indi-
19 viduals in all such areas of substantial
20 unemployment in all States;

21 “(II) $33\frac{1}{3}$ percent shall be allot-
22 ted on the basis of the relative excess
23 number of unemployed individuals
24 within each State as compared to the

1 total excess number of unemployed in-
2 dividuals in all States; and

3 “(III) $33\frac{1}{3}$ percent shall be allot-
4 ted on the basis of the relative num-
5 ber of economically disadvantaged
6 adults within each State as compared
7 to the total number of economically
8 disadvantaged adults in all States.

9 “(iii) MINIMUM ALLOTMENT.—

10 “(I) MINIMUM PERCENTAGE.—
11 No State shall be allotted less than 90
12 percent of its allotment percentage for
13 the fiscal year preceding the fiscal
14 year for which the determination is
15 made.

16 “(II) MAXIMUM PERCENTAGE.—
17 No State shall be allotted more than
18 130 percent of its allotment percent-
19 age for the fiscal year preceding the
20 fiscal year for which the determina-
21 tion is made.

22 “(iv) SMALL STATE MINIMUM ALLOT-
23 MENT.—No State shall receive less than
24 one-quarter of one percent of the amount
25 available under this subparagraph for a

1 fiscal year. Amounts necessary for increas-
 2 ing such payments to States to comply
 3 with the preceding sentence shall be ob-
 4 tained by ratably reducing the amounts to
 5 be paid to other States.

6 “(2) DISLOCATED WORKERS.—

7 “(A) RESERVATION FOR OUTLYING
 8 AREAS.—

9 “(i) IN GENERAL.—Of the amount al-
 10 lotted under subsection (a)(2), the Sec-
 11 retary shall allot not more than one quar-
 12 ter of one percent among the outlying
 13 areas.

14 “(ii) APPLICABILITY OF ADDITIONAL
 15 REQUIREMENTS.—Of the amount allotted
 16 under clause (i), the Secretary shall award
 17 grants to Guam, American Samoa, the
 18 Commonwealth of the Northern Mariana
 19 Islands, and the freely associated states in
 20 accordance with the requirements of sec-
 21 tion 203(b)(1).

22 “(B) STATES.—

23 “(i) IN GENERAL.—After determining
 24 the amount to be allotted under subpara-
 25 graph (A), the Secretary shall allot the re-

1 maining amount to the States pursuant to
2 the formula contained in clause (i).

3 “(ii) FORMULA.—Subject to the provi-
4 sions of clause (iii), of the amounts allotted
5 to States for dislocated worker employment
6 and training under this title for each fiscal
7 year—

8 “(I) $33\frac{1}{3}$ percent shall be allot-
9 ted among the States on the basis of
10 the relative number of unemployed in-
11 dividuals who reside in each State as
12 compared to the total number of un-
13 employed individuals in all the States;

14 “(II) $33\frac{1}{3}$ percent shall be allot-
15 ted among the States on the basis of
16 the relative excess number of unem-
17 ployed individuals who reside in each
18 State as compared to the total excess
19 number of unemployed individuals in
20 all the States (for purposes of this
21 subclause, the term ‘excess number’
22 means the number which represents
23 unemployed individuals in excess of
24 4.5 percent of the civilian labor force
25 in the State); and

1 “(III) $33\frac{1}{3}$ percent shall be allot-
2 ted among the States on the basis of
3 the relative number of individuals who
4 have been unemployed for 15 weeks or
5 more and who reside in each State as
6 compared to the total number of such
7 individuals in all the States.

8 “(iii) MINIMUM ALLOTMENT.—

9 “(I) MINIMUM PERCENTAGE.—
10 No State shall be allotted less than 90
11 percent of its allotment percentage for
12 the fiscal year preceding the fiscal
13 year for which the determination is
14 made.

15 “(II) MAXIMUM PERCENTAGE.—
16 No State shall be allotted more than
17 130 percent of its allotment percent-
18 age for the fiscal year preceding the
19 fiscal year for which the determina-
20 tion is made.

21 “(iv) SMALL STATE MINIMUM ALLOT-
22 MENT.—No State shall receive less than
23 one-quarter of one percent of the amount
24 available under this subparagraph for a
25 fiscal year. Amounts necessary for increas-

ing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

5 “SEC. 313. ALLOCATION WITHIN STATES.

6 “(a) RESERVATIONS FOR STATE ACTIVITIES.—

7 “(1) ADULT EMPLOYMENT AND TRAINING.—

8 “(A) IN GENERAL.—The Governor of the
9 State shall reserve not more than 15 percent of
10 the total amount allotted to the State under
11 section 312(b)(1) for a fiscal year for statewide
12 activities for employment, job training, and re-
13 lated assistance for adults.

14 “(B) ALLOWABLE ACTIVITIES.—Such ac-
15 tivities may include—

16 “(i) subject to subparagraph (C), ad-
17 ministration by the State of programs
18 under this title;

19 “(ii) capacity building and technical
20 assistance to local workforce development
21 areas, full service employment and training
22 delivery systems, and service providers in-
23 cluding the development and training of
24 staff and the development of exemplary
25 program activities;

1 “(iii) incentives for program coordina-
2 tion and integration, performance awards,
3 and research and demonstrations;

4 “(iv) implementation of innovative in-
5 cumbent worker training programs, which
6 may include the establishment and imple-
7 mentation of an employer loan program to
8 assist in skills upgrading, and the estab-
9 lishment and implementation of programs
10 targeted to empowerment zones;

11 “(v) implementation of experimen-
12 tation, model activities, pilot projects, and
13 demonstration projects which further the
14 goals and purposes of this Act;

15 “(vi) additional assistance for the de-
16 velopment and implementation of the full
17 service employment and training delivery
18 system established in accordance with sec-
19 tion 123;

20 “(vii) support for a common manage-
21 ment information system across employ-
22 ment, training, literacy, and human re-
23 source programs as identified in section
24 103;

1 “(viii) support for the identification of
2 eligible training providers as required
3 under section 124; and

4 “(ix) implementation of innovative
5 programs to increase the number of indi-
6 viduals training and placed in nontradi-
7 tional employment.

8 “(C) LIMITATION.—Of the amount re-
9 served by the Governor under subparagraph (A)
10 not more than 5 percent of the total amount al-
11 lotted to the State under section 312(b)(1) for
12 a fiscal year may be used for administration by
13 the State of programs under this part.

14 “(2) DISLOCATED WORKERS EMPLOYMENT AND
15 TRAINING.—

16 “(A) IN GENERAL.—The Governor of the
17 State shall reserve not more than 30 percent of
18 the total amount allotted to the State under
19 section 312(b)(2) for a fiscal year for statewide
20 activities for employment, job training, and re-
21 lated assistance for dislocated workers.

22 “(B) REQUIRED ACTIVITIES.—Such activi-
23 ties shall include—

24 “(i) rapid response activities carried
25 out by a designated State dislocated work-

er unit, working in conjunction with the local workforce development board and the chief elected official in an affected local workforce development area; and

“(ii) additional assistance to areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed workers, working in conjunction with the local workforce development board and the chief elected official in affected local workforce development areas.

“(C) DISCRETIONARY ACTIVITIES.—

“(i) IN GENERAL.—Such activities may include those activities described in section 315(a)(1)(B).

“(D) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 5 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year may be used for administration by the State of programs under this part.

“(b) WITHIN STATE ALLOCATION.—

“(1) ALLOCATION.—

1 “(A) IN GENERAL.—The Governor of the
2 State shall allocate the remainder of the
3 amounts allotted to the State under section 312
4 to workforce development areas designated
5 under section 121 for the purpose of providing
6 a single system of employment and training
7 services for adults and dislocated workers in ac-
8 cordance with section 314.

9 “(B) ADDITIONAL REQUIREMENTS.—(i)
10 Funds allocated under paragraph (2)(A), shall
11 be used by a local workforce development area
12 to contribute to the costs of the local full serv-
13 ice employment and training delivery system,
14 and to pay for services provided to adults, in
15 the local area, consistent with section 314.

16 “(ii) Funds allocated under paragraph
17 (2)(B), shall be used by a local workforce devel-
18 opment area to contribute to the costs of the
19 local full service employment and training deliv-
20 ery system, and to pay for services provided to
21 dislocated workers, in the local area, consistent
22 with section 314.

23 “(2) METHODS.—

24 “(A) IN GENERAL.—The Governor,
25 through the collaborative process under section

1 102, and after consultation with local chief
2 elected officials in the local workforce develop-
3 ment areas, shall allocate the remainder of
4 funds described in subsection (a)(1)(A) for
5 adult employment and training in accordance
6 with subparagraph (B), and the funds described
7 in subsection (a)(2)(A) for dislocated workers in
8 accordance with subparagraph (C).

9 “(B) ADULT EMPLOYMENT AND TRAINING
10 FORMULA.—In allocating the funds for adult
11 employment and training, the individuals de-
12 scribed in subparagraph (A) shall take into ac-
13 count—

14 “(i) the relative number of unem-
15 ployed individuals residing in local areas of
16 substantial unemployment within each
17 workforce development area in the State as
18 compared to the total number of such un-
19 employed individuals in all such areas of
20 substantial unemployment in the State;

21 “(ii) the relative excess number of un-
22 employed individuals within each local
23 workforce development area of the State as
24 compared to the total excess number of un-
25 employed individuals in the State;

1 “(iii) the relative number of economi-
2 cally disadvantaged adults within each
3 workforce development area of the State as
4 compared to the total number of economi-
5 cally disadvantaged adults in the State;
6 and

7 “(iv) such other factors as determined
8 appropriate by the State.

9 “(C) DISLOCATED WORKER FORMULA.—In
10 allocating funds for dislocated workers, individ-
11 uals described in subparagraph (A) shall take
12 into account—

13 “(i) the relative number of unem-
14 ployed individuals residing in local areas of
15 substantial unemployment within each
16 workforce development area in the State as
17 compared to the total number of such un-
18 employed individuals in all such areas of
19 substantial unemployment in the State;

20 “(ii) the relative excess number of un-
21 employed individuals within each local
22 workforce development area of the State as
23 compared to the total excess number of un-
24 employed individuals in the State;

1 “(iii) the relative number of individ-
2 uals who have been unemployed for 15
3 weeks or more within each workforce devel-
4 opment area of the State as compared to
5 the total number of such unemployed indi-
6 viduals in the State; and

7 “(iv) such other factors as determined
8 appropriate by the State, which may in-
9 clude—

10 “(I) insured unemployment data;

11 “(II) unemployment concentra-
12 tions;

13 “(III) plant closing and mass lay-
14 off data;

15 “(IV) declining industries data;

16 “(V) farmer-rancher economic
17 hardship data; and

18 “(VI) long-term unemployment
19 data.

20 “(3) ADDITIONAL FACTORS.—In establishing
21 the formulas described in paragraph (2), the Gov-
22 ernor shall ensure that—

23 “(A) such formulas distribute funds equi-
24 tably throughout the State;

1 “(B) no one factor described in paragraph
2 (2) receives disproportionate weighting; and

3 “(C) such formulas protect local workforce
4 development areas from significant funding
5 shifts from year to year.

6 “(4) TRANSFER AUTHORITY.—A local
7 workforce development area is authorized to transfer
8 up to 20 percent of the funds received under this
9 subsection between adult employment and training
10 and dislocated worker allocations if such transfer is
11 approved by the Governor.

12 **“SEC. 314. USE OF AMOUNTS.**

13 “(a) CORE SERVICES.—Amounts allocated under sec-
14 tion 313(b) shall be used to provide core services described
15 in section 123(d) to adults through a full service employ-
16 ment and training delivery system in accordance with such
17 section.

18 “(b) INTENSIVE SERVICES.—

19 “(1) IN GENERAL.—Amounts allocated under
20 section 313(b) shall be used to provide intensive
21 services to adults—

22 “(A)(i) who are unable to obtain employ-
23 ment through core services under subsection
24 (a); and

1 “(ii) who have been determined to be in
2 need of more intensive services in order to gain
3 employment; or

4 “(B)(i) who are employed but are economi-
5 cally disadvantaged despite such employment;
6 and

7 “(ii) who are determined to be in need of
8 such intensive services in order to gain employ-
9 ment that allows for self-sufficiency.

10 “(2) DELIVERY OF SERVICES.—Such intensive
11 services shall be provided—

12 “(A) directly through full service eligible
13 providers identified pursuant to section 123(c);
14 or

15 “(B) through contracts through full service
16 employment and training delivery systems with
17 service providers approved by the local
18 workforce development board, which may in-
19 clude private, for-profit providers.

20 “(3) TYPES OF SERVICES.—Such intensive serv-
21 ices may include the following:

22 “(A) Comprehensive and specialized as-
23 sessments of the skill levels and service needs of
24 adults, which may include—

1 “(i) diagnostic testing and other as-
2 sessment tools; and

3 “(ii) in-depth interviewing and evalua-
4 tion to identify employment barriers and
5 appropriate employment goals.

6 “(B) Development of an individual employ-
7 ment plan, to identify the employment goals,
8 appropriate achievement objectives, and the ap-
9 propriate combination of services for the partic-
10 ipant to achieve the employment goal.

11 “(C) Group counseling.

12 “(D) Individual counseling and career
13 planning.

14 “(E) Case management for participants re-
15 ceiving training services under subsection (c).

16 “(F) Follow-up services for participants
17 placed in training or employment, for up to 1
18 year, to assist in retention or advancement in
19 employment.

20 “(c) TRAINING SERVICES.—

21 “(1) IN GENERAL.—Amounts allocated under
22 section 313(b) shall be used to provide training serv-
23 ices to participants—

24 “(A) who are unable to obtain employment
25 through core services under subsection (a);

1 “(B) who are in need of training services
2 in order to gain employment as a result of de-
3 terminations made through—

4 “(i) initial assessments under sub-
5 section (a); or

6 “(ii) comprehensive and specialized
7 assessments under subsection (b)(3)(A); or

8 “(C)(i) who are employed but are economi-
9 cally disadvantaged despite such employment;
10 and

11 “(ii) who are determined to be in need of
12 such training services in order to gain employ-
13 ment that allows for self-sufficiency.

14 “(2) PARTICIPANT QUALIFICATION.—

15 “(A) REQUIREMENTS.—Except as provided
16 in subparagraph (B), provision of such training
17 services shall be limited to participants who—

18 “(i) are unable to obtain other grant
19 assistance for such services, including Fed-
20 eral Pell Grants established under title IV
21 of the Higher Education Act of 1965 (20
22 U.S.C. 1070 et seq.); or

23 “(ii) require assistance beyond the as-
24 sistance made available under other grant

1 assistance programs, including Federal
2 Pell Grants.

3 “(B) REIMBURSEMENTS.—Training serv-
4 ices may be provided under this subsection to
5 an individual who otherwise meets the require-
6 ments of this subsection while an application
7 for a Federal Pell Grant or other grant assist-
8 ance is pending, except that if such individual
9 is subsequently awarded a Federal Pell Grant
10 or other grant assistance, appropriate reim-
11 bursement shall be made to the local workforce
12 development area from such Federal Pell Grant
13 or other grant assistance.

14 “(3) PROVIDER QUALIFICATION.—Such training
15 services shall be provided through training providers
16 identified under in accordance with section 124.

17 “(4) TYPES OF SERVICES.—Such training serv-
18 ices may include the following:

19 “(A) Basic skills training, including reme-
20 dial education, literacy training, and English
21 literacy program instruction.

22 “(B) Occupational skills training, including
23 training for nontraditional employment.

24 “(C) On-the-job training.

1 “(D) Programs that combine workplace
2 training with related instruction, which may in-
3 clude cooperative education programs.

4 “(E) Training programs operated by the
5 private sector.

6 “(F) Skill upgrading and retraining.

7 “(G) Entrepreneurial training.

8 “(H) Employability training to enhance
9 basic workplace competencies.

10 “(I) Customized training conducted with a
11 commitment by an employer or group of em-
12 ployers to employ an individual upon successful
13 completion of the training.

14 “(5) INDIVIDUAL CHOICE REQUIREMENTS.—

15 “(A) IN GENERAL.—All training services
16 under this section shall be provided through
17 service delivery methods that, to the extent
18 practicable, maximize consumer choice in the
19 selection of eligible providers of training serv-
20 ices.

21 “(B) INFORMATION ON ELIGIBLE PROVID-
22 ERS.—Each local workforce development board,
23 through the full service employment and train-
24 ing delivery system, shall make available—

1 “(i) the list of eligible providers of
2 training services required under section
3 124, with a description of the training
4 courses available from such providers and
5 a list of the names of on-the-job training
6 providers; and

7 “(ii) the performance information de-
8 scribed in section 124 relating to such pro-
9 viders.

10 “(C) PURCHASE OF SERVICES.—An indi-
11 vidual eligible for training services under this
12 section may select an eligible provider of train-
13 ing services from the list of providers described
14 in subparagraph (B)(i). Upon such selection,
15 the full service eligible provider shall, to the ex-
16 tent practicable, refer such individual to the se-
17 lected eligible provider of training services and
18 arrange for payment for such services.

19 “(6) ADDITIONAL REQUIREMENTS.—

20 “(A) USE OF SKILL GRANTS.—

21 “(i) IN GENERAL.—Except as pro-
22 vided in clause (ii) and clause (iii), training
23 services under this section shall be pro-
24 vided through the use of skill grants in ac-
25 cordance with this subsection, and shall be

1 distributed to eligible individuals through
2 full service eligible providers or affiliated
3 sites as described in section 123.

4 “(ii) EXCEPTIONS.—Training services
5 authorized under this title may be provided
6 pursuant to a contract for services in lieu
7 of a skill grant if the requirements of para-
8 graph (5) are met and if—

9 “(I) such services are on-the-job
10 training provided by an employer;

11 “(II) the local workforce develop-
12 ment board determines there are an
13 insufficient number of qualified pro-
14 viders of training services in the
15 workforce development area to accom-
16 plish the purposes of a skill grant sys-
17 tem;

18 “(III) the local workforce devel-
19 opment board determines that the
20 qualified providers of training services
21 in the workforce development area are
22 unable to provide effective services to
23 special participant populations; or

24 “(IV) the local workforce devel-
25 opment board decides to enter into a

1 direct training contract with a com-
2 munity based organization.

3 “(iii) TRANSITION.—Each State shall,
4 not later than three years after the date of
5 the enactment of the Employment, Train-
6 ing, and Literacy Enhancement Act of
7 1997, fully implement the requirements of
8 clause (i). Nothing in this Act shall pro-
9 hibit a State from beginning such imple-
10 mentation at an earlier date.

11 “(B) LINKAGE TO OCCUPATIONS IN DE-
12 MAND.—Training services under this subsection
13 shall be directly linked to occupations for which
14 there is a demand in the local workforce devel-
15 opment area, or in another area to which an
16 adult receiving such services is willing to relo-
17 cate, except that a local workforce development
18 board may approve training in occupations de-
19 termined by the local board to be in sectors of
20 the economy which have a high potential for
21 sustained demand or growth in the local
22 workforce development area.

23 “(d) ADDITIONAL USES OF AMOUNTS.—

24 “(1) SUPPORTIVE SERVICES.—Supportive serv-
25 ices may be provided for individuals—

1 “(A) who are receiving assistance under
2 any of subsections (a) through (c); and

3 “(B) who are unable to receive such serv-
4 ices through other programs providing such
5 services.

6 “(2) NEEDS-RELATED PAYMENTS.—

7 “(A) IN GENERAL.—Amounts allocated
8 under section 313(b) may be used to provide
9 needs-related payments to adults who are un-
10 employed and do not qualify for (or have ceased
11 to qualify for) unemployment compensation for
12 the purpose of enabling such adults to partici-
13 pate in training programs under subsection (c).

14 “(B) ADDITIONAL ELIGIBILITY REQUIRE-
15 MENTS.—In addition to the requirements con-
16 tained in subparagraph (A), a dislocated worker
17 who has exhausted unemployment insurance
18 benefits may be eligible to receive needs-related
19 payments under this paragraph only if such
20 worker was enrolled in training by the end of
21 the 13th week of the worker’s most recent lay-
22 off, or, if later, by the end of the 8th week after
23 the worker is informed that a short-term layoff
24 will in fact exceed 6 months.

1 “(e) PROHIBITION ON PRIVATE RIGHT OF ACTION.—
2 Nothing in this section may be construed to establish a
3 right for a participant to bring an action to obtain services
4 under a program established under this Act.

5 **“PART B—NATIONAL PROGRAMS**

6 **“SEC. 321. NATIONAL EMERGENCY GRANTS.**

7 “(a) IN GENERAL.—From the amount reserved
8 under section 312(a)(2), the Secretary of Labor is author-
9 ized to award national emergency grants in a timely man-
10 ner—

11 “(1) to an entity described in subsection (b) to
12 provide employment and training assistance to work-
13 ers affected by major economic dislocations, such as
14 plant closures, mass layoffs, or closures and realign-
15 ments of military installations; and

16 “(2) to provide assistance to the Governor of
17 any State within the boundaries of which is an area
18 that has suffered an emergency or a major disaster
19 as defined in paragraphs (1) and (2), respectively, of
20 section 102 of The Robert T. Stafford Disaster Re-
21 lief and Emergency Assistance Act (42 U.S.C.
22 5122(1) and (2)) (referred to in this section as the
23 ‘disaster area’).

24 “(b) EMPLOYMENT AND TRAINING ASSISTANCE RE-
25 QUIREMENTS.—

1 “(1) APPLICATION.—To be eligible to receive a
2 grant under subsection (a)(1), an entity shall submit
3 an application to the Secretary of Labor at such
4 time, in such manner, and accompanied by such in-
5 formation, as the Secretary may reasonably require.

6 “(2) ELIGIBLE ENTITY.—For purposes of this
7 section, the term ‘entity’ means a State, local
8 workforce development board, employer or employer
9 association, worker-management transition assist-
10 ance committee or other employer-employee entity,
11 representative of employees, community development
12 corporation or community-based organization, or an
13 industry consortia

14 “(c) DISASTER RELIEF EMPLOYMENT ASSISTANCE
15 REQUIREMENTS.—

16 “(1) IN GENERAL.—Funds made available
17 under subsection (a)(2)—

18 “(A) shall be used exclusively to provide
19 employment on projects that provide food,
20 clothing, shelter, and other humanitarian assist-
21 ance for disaster victims, and projects regard-
22 ing demolition, cleaning, repair, renovation, and
23 reconstruction of damaged and destroyed struc-
24 tures, facilities, and lands located within the
25 disaster area; and

1 “(B) may be expended through public and
2 private agencies and organizations engaged in
3 such projects.

4 “(2) ELIGIBILITY.—An individual shall be eligi-
5 ble to be offered disaster relief employment under
6 this section if such individual is a dislocated worker
7 or is temporarily or permanently laid off as a con-
8 sequence of the disaster.

9 “(3) LIMITATIONS ON DISASTER RELIEF EM-
10 PLOYMENT.—No individual shall be employed under
11 this part for more than 6 months for work related
12 to recovery from a single natural disaster.”.

13 **“SEC. 322. SKILL UPGRADING PROJECTS IN ENTERPRISE**
14 **ZONES OR EMPOWERMENT COMMUNITIES.**

15 “From funds made available under section 312(a)(2),
16 the Secretary of Labor is authorized to award grants to
17 assist projects that provide training to upgrade the skill
18 of employed workers who reside and are employed in en-
19 terprise zones or empowerment communities.”.

1 **TITLE IV—AMENDMENTS TO**
2 **FEDERALLY ADMINISTERED**
3 **PROGRAMS**

4 **Subtitle A—Employment and**
5 **Training Programs for Native**
6 **Americans and Migrant and**
7 **Seasonal Farmworkers**

8 **SEC. 401. NATIVE AMERICAN PROGRAM.**

9 Section 401 of the Job Training Partnership Act (29
10 U.S.C. 1671) is amended to read as follows:

11 **“SEC. 401. NATIVE AMERICAN PROGRAMS.**

12 **“(a) PURPOSE.—**

13 **“(1) IN GENERAL.—**The purpose of this section
14 is to support employment and training activities for
15 Indian, Alaska Native, and Native Hawaiian individ-
16 uals in order—

17 **“(A)** to develop more fully the academic,
18 occupational, and literacy skills of such individ-
19 uals;

20 **“(B)** to make such individuals more com-
21 petitive in the workforce; and

22 **“(C)** to promote the economic and social
23 development of Indian, Alaska Native, and Na-
24 tive Hawaiian communities in accordance with
25 the goals and values of such communities.

1 “(2) INDIAN POLICY.—All programs assisted
2 under this section shall be administered in a manner
3 consistent with the principles of the Indian Self-Determination and Education Assistance Act (25
4 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government
5 and Indian tribal governments.
6

7 “(b) DEFINITIONS.—As used in this section:
8

9 “(1) ALASKA NATIVE.—The term ‘Alaska Native’ means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).
10
11
12

13 “(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, and
14 ‘tribal organization’ have the meanings given such
15 terms in subsections (d), (e), and (l), respectively, of
16 section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
17
18

19 “(4) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms ‘Native Hawaiian’ and
20 ‘Native Hawaiian organization’ have the meanings
21 given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).
22
23
24

1 “(c) PROGRAM AUTHORIZED.—The Secretary of
2 Labor shall make grants to, or enter into contracts or co-
3 operative agreements with, Indian tribes, tribal organiza-
4 tions, Alaska Native entities, Indian-controlled organiza-
5 tions serving Indians, or Native Hawaiian organizations
6 to carry out the authorized activities described in sub-
7 section (d).

8 “(d) AUTHORIZED ACTIVITIES.—

9 “(1) IN GENERAL.—Funds made available
10 under this section shall be used to carry out the ac-
11 tivities described in paragraphs (2) and (3) that—

12 “(A) are consistent with this section; and

13 “(B) are necessary to meet the needs of
14 Indians or Native Hawaiians preparing to
15 enter, reenter, or retain unsubsidized employ-
16 ment.

17 “(2) EMPLOYMENT AND TRAINING ACTIVITIES
18 AND SUPPLEMENTAL SERVICES.—

19 “(A) IN GENERAL.—Funds made available
20 under this section shall be used for—

21 “(i) comprehensive workforce and ca-
22 reer development activities for Indians or
23 Native Hawaiians; or

24 “(ii) supplemental services for Indian
25 or Native Hawaiian youth on or near In-

1 dian reservations and in Oklahoma, Alas-
2 ka, or Hawaii.

3 “(B) SPECIAL RULE.—Notwithstanding
4 any other provision of this section, individuals
5 who were eligible to participate in programs
6 under section 401 of the Job Training Partner-
7 ship Act (29 U.S.C. 1671) (as such section was
8 in effect on the day before the date of enact-
9 ment of this Act) shall be eligible to participate
10 in an activity assisted under subparagraph
11 (A)(i).

12 “(e) PROGRAM PLAN.—In order to receive a grant
13 or enter into a contract or cooperative agreement under
14 this section an entity described in subsection (c) shall sub-
15 mit to the Secretary of Labor a plan that describes a 2-
16 year strategy for meeting the needs of Indian or Native
17 Hawaiian individuals, as appropriate, in the area served
18 by such entity. Such plan—

19 “(1) shall be consistent with the purposes of
20 this section;

21 “(2) shall identify the population to be served;

22 “(3) shall identify the education and employ-
23 ment needs of the population to be served and the
24 manner in which the services to be provided will

1 strengthen the ability of the individuals served to ob-
2 tain or retain unsubsidized employment;

3 “(4) shall describe the services to be provided
4 and the manner in which such services are to be in-
5 tegrated with other appropriate services; and

6 “(5) shall describe the goals and benchmarks to
7 be used to assess the performance of entities in car-
8 rying out the activities assisted under this section.

9 “(f) CONSOLIDATION OF FUNDS.—Each entity re-
10 ceiving assistance under this section may consolidate such
11 assistance with assistance received from related programs
12 in accordance with the provisions of the Indian Employ-
13 ment, Training and Related Services Demonstration Act
14 of 1992 (25 U.S.C 3401 et seq.).

15 “(g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
16 ICES.—Nothing in this section shall be construed—

17 “(1) to limit the eligibility of any entity de-
18 scribed in subsection (c) to participate in any activ-
19 ity offered by a State or local entity under this Act;
20 or

21 “(2) to preclude or discourage any agreement,
22 between any entity described in subsection (c) and
23 any State or local entity, to facilitate the provision
24 of services by such entity or to the population served
25 by such entity.

1 “(h) ADMINISTRATIVE PROVISIONS.—

2 “(1) ORGANIZATIONAL UNIT ESTABLISHED.—

3 The Secretary of Labor shall designate a single or-
4 ganizational unit that shall have as its primary re-
5 sponsibility the administration of the activities au-
6 thorized under this section.

7 “(2) REGULATIONS.—The Secretary of Labor
8 shall consult with the entities described in subsection
9 (c)(1) in establishing regulations to carry out this
10 section, including performance measures for entities
11 receiving assistance under such subsection, taking
12 into account the economic circumstances of such
13 groups, and in developing a funding distribution
14 plan that takes into consideration previous levels of
15 funding and other sources of funds not provided
16 pursuant to this Act.

17 “(3) TECHNICAL ASSISTANCE.—The Secretary
18 of Labor, through the unit established under para-
19 graph (1), are authorized to provide technical assist-
20 ance to entities described in subsection (c) that re-
21 ceive assistance under this section to enable such en-
22 tities to improve the workforce and career develop-
23 ment activities provided by such entities.”.

1 **SEC. 402. MIGRANT AND SEASONAL FARMWORKER PRO-**
2 **GRAM.**

3 Section 402 of the Job Training Partnership Act (29
4 U.S.C. 1672) is amended to read as follows:

5 **“SEC. 402. MIGRANT AND SEASONAL FARMWORKER PRO-**
6 **GRAM.**

7 “(a) IN GENERAL.—The Secretary of Labor shall
8 make grants to, or enter into contracts with, eligible enti-
9 ties to carry out the activities described in subsection (d).

10 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
11 a grant or enter into a contract under this section, an en-
12 tity shall have an understanding of the problems of mi-
13 grant farmworkers and seasonal farmworkers, a famili-
14 arity with the area to be served, and the ability to dem-
15 onstrate a capacity to administer effectively a diversified
16 program of workforce and career development activities
17 for migrant farmworkers or seasonal farmworkers.

18 “(c) PROGRAM PLAN.—

19 “(1) IN GENERAL.—To be eligible to receive a
20 grant or enter into a contract under this section, an
21 entity described in subsection (b) shall submit to the
22 Secretary of Labor a plan that describes a 2-year
23 strategy for meeting the needs of migrant farm-
24 workers and seasonal farmworkers and their depend-
25 ents in the area to be served by such entity.

26 “(2) CONTENTS.—Such plan shall—

1 “(A) identify the education and employ-
2 ment needs of the population to be served and
3 the manner in which the services to be provided
4 will strengthen the ability of the eligible farm-
5 workers and dependents to obtain or be re-
6 tained in unsubsidized employment or stabilize
7 their unsubsidized employment;

8 “(B) describe the related assistance and
9 supportive services to be provided and the man-
10 ner in which such services are to be integrated
11 and coordinated with other appropriate services;
12 and

13 “(C) describe the goals and benchmarks to
14 be used to assess the performance of such en-
15 tity in carrying out the activities assisted under
16 this section.

17 “(d) AUTHORIZED ACTIVITIES.—Funds made avail-
18 able under this section shall be used to carry out com-
19 prehensive workforce and career development activities
20 and related services for migrant farmworkers or seasonal
21 farmworkers which may include employment, training,
22 educational assistance, literacy assistance, an English lit-
23 eracy program, worker safety training, housing, supportive
24 services, and the continuation of the case management

1 database on participating migrant farmworkers and sea-
2 sonal farmworkers.

3 “(e) CONSULTATION WITH GOVERNORS AND LOCAL
4 BOARDS.—In making grants and entering into contracts
5 under this section, the Secretary of Labor shall consult
6 with the Governors and local boards of the States in which
7 the eligible entities will carry out the activities described
8 in subsection (d).

9 “(f) REGULATIONS.—The Secretaries shall consult
10 with migrant and seasonal farmworker groups and States
11 in establishing regulations to carry out this section, includ-
12 ing performance measures for eligible entities which take
13 into account the economic circumstances of migrant farm-
14 workers and seasonal farmworkers.

15 “(g) DEFINITIONS.—As used in this section:

16 “(1) MIGRANT FARMWORKER.—The term ‘mi-
17 grant farmworker’ means a seasonal farmworker
18 whose farm work requires travel such that the work-
19 er is unable to return to a permanent place of resi-
20 dence within the same day.

21 “(2) SEASONAL FARMWORKER.—The term ‘sea-
22 sonal farmworker’ means a person who during the
23 eligibility determination period (12 consecutive
24 months out of 24 months prior to application)—

1 “(A) has been primarily employed in farm
2 work that is characterized by chronic unemploy-
3 ment or under employment; and

4 “(B) is economically disadvantaged at the
5 time of application.”.

6 **Subtitle B—Job Corps**

7 **SEC. 411. STATEMENT OF PURPOSE.**

8 Section 421 of the Job Training Partnership Act (29
9 U.S.C. 1691) is amended in the first sentence by inserting
10 after “a distinct national program” the following: “carried
11 out in collaboration with States and localities”.

12 **SEC. 412. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

13 Section 423 of the Job Training Partnership Act (29
14 U.S.C. 1693) is amended—

15 (1) in paragraph (1), by striking “14” and in-
16 serting “16”;

17 (2) in paragraph (2), by striking “, and who re-
18 quires” and all that follows and inserting a semi-
19 colon;

20 (3) by redesignating paragraphs (3), (4), and
21 (5) as paragraphs (4), (5), and (6), respectively; and

22 (4) by inserting after paragraph (2) the follow-
23 ing:

24 “(3) is an individual who—

25 “(A) is deficient in basic skills;

1 “(B) is a school dropout;

2 “(C) is homeless or a runaway;

3 “(D) is a single parent; or

4 “(E) requires additional education, train-
 5 ing, or intensive counseling and related assist-
 6 ance in order to secure and hold meaningful
 7 employment, participate successfully in regular
 8 school work, qualify for other suitable training
 9 programs, or satisfy Armed Forces require-
 10 ments;”.

11 **SEC. 413. SCREENING AND SELECTION OF APPLICANTS;**

12 **GENERAL PROVISIONS.**

13 Section 424(a) of the Job Training Partnership Act
 14 (29 U.S.C. 1694(a)) is amended—

15 (1) in the first sentence, by adding at the end
 16 before the period the following: “after considering
 17 input from State, local, and community groups and
 18 other interested parties”;

19 (2) in the second sentence—

20 (A) by inserting after “public employment
 21 offices,” the following: “full service eligible pro-
 22 viders,”; and

23 (B) by striking “and agencies” and insert-
 24 ing “and entities”; and

1 (3) in the third sentence, by inserting after
2 “The rules shall” the following: “require Job Corps
3 applicants to pass background checks, conducted in
4 accordance with procedures established by the Sec-
5 retary, and”.

6 **SEC. 414. JOB CORPS CENTERS.**

7 Section 427 of the Job Training Partnership Act (29
8 U.S.C. 1697) is amended—

9 (1) in subsection (a)(1), by adding at the end
10 the following: “In selecting any entity to serve as an
11 operator or to provide services for a Job Corps cen-
12 ter, the Secretary shall take into consideration the
13 previous performance of the entity, if any, relating
14 to operating or providing services for a Job Corps
15 center.”;

16 (2) in subsection (c) to read as follows:

17 “(c) The Secretary may select an entity to operate
18 a Civilian Conservation Center on a competitive basis if
19 such a center fails to meet performance criteria estab-
20 lished by the Secretary.”; and

21 (3) by adding at the end the following:

22 “(d) Notwithstanding any other provision of law, any
23 proceeds from the sale of Job Corps center facilities shall
24 be retained by the Secretary to carry out the Job Corps
25 program.”.

1 **SEC. 415. STANDARDS OF CONDUCT.**

2 Section 430(a) of the Job Training Partnership Act
3 (29 U.S.C. 1700(a)) is amended—

4 (1) in the first sentence, by adding at the end
5 before the period the following: “, including a policy
6 of zero tolerance for violence and illegal drugs under
7 which enrollees will receive mandatory terminations
8 for specific actions in accordance with regulations is-
9 sued by the Secretary”;

10 (2) by inserting after the first sentence the fol-
11 lowing: “As part of the zero tolerance policy, drug
12 testing of all students shall be required in accord-
13 ance with procedures established by the Secretary.”;
14 and

15 (3) in the third sentence, by inserting after “If
16 violations” the following: “of center standards other
17 than those covered by the zero tolerance policy”.

18 **SEC. 416. COUNSELING AND JOB PLACEMENT.**

19 Section 432(b) of the Job Training Partnership Act
20 (29 U.S.C. 1702(b)) is amended in the first sentence by
21 inserting after “determine their capabilities and” the fol-
22 lowing: “, based on these capabilities,”.

1 **SEC. 417. EXPERIMENTAL AND DEVELOPMENTAL**
2 **PROJECTS AND COORDINATION WITH OTHER**
3 **PROGRAMS.**

4 Section 433(c)(1) of the Job Training Partnership
5 Act (29 U.S.C. 1703(c)(1)) is amended in the first sen-
6 tence by striking “disseminate information” and inserting
7 “disseminate to Federal, State, and local workforce devel-
8 opment programs information and best practices”.

9 **Subtitle C—National Activities**

10 **SEC. 421. RESEARCH, DEMONSTRATION, EVALUATION, AND**
11 **CAPACITY BUILDING.**

12 Part D of the Job Training Partnership Act (29
13 U.S.C. 1731 et seq.) is amended by striking sections 451
14 through 454 and inserting the following:

15 **“SEC. 451. RESEARCH, DEMONSTRATION, EVALUATION, AND**
16 **CAPACITY BUILDING.**

17 “(a) IN GENERAL.—The Secretary is authorized to
18 establish and carry out research, demonstration, evalua-
19 tion, and capacity building activities described in sub-
20 sections (b) through (f).

21 “(b) NATIONAL PARTNERSHIP AND SPECIAL TRAIN-
22 ING.—The Secretary may award special grants to eligible
23 entities to carry out programs that are most appropriately
24 administered at the national level. Such activities may in-
25 clude—

1 “(1) partnership programs with national orga-
2 nizations with special expertise in developing, orga-
3 nizing, and administering employment and training
4 services at the national, State, and local levels, such
5 as industry and labor associations, public interest
6 groups, community-based organizations representa-
7 tive of groups that encounter special difficulties in
8 the labor market, and other organizations with spe-
9 cial knowledge or capabilities in education and train-
10 ing; and

11 “(2) activities that—

12 “(A) address industry-wide skill shortages;

13 “(B) meet training needs that are best ad-
14 dressed on a multi-state basis;

15 “(C) further the goals of increasing the
16 competitiveness of the United States labor
17 force;

18 “(D) require technical expertise available
19 at the national level to serve the needs of par-
20 ticular client groups that encounter significant
21 barriers to employment and who the Secretary
22 determines require special assistance; or

23 “(E) promote and experiment with model
24 activities, pilot projects, and demonstration

1 projects which further the goals and purposes
2 of this Act.

3 “(c) RESEARCH.—The Secretary is authorized to
4 conduct continuing research, which may include studies
5 and other methods and techniques, that will aid in the so-
6 lution of the employment and training problems of the
7 United States. Such studies may include the extent to
8 which individuals who participate in programs established
9 under this title achieve self-sufficiency as a result of such
10 participation, including the identification by States and lo-
11 calities, to the extent practicable, of indicators measuring
12 such self-sufficiency.

13 “(d) PILOT AND DEMONSTRATION PROGRAMS.—

14 “(1) IN GENERAL.—The Secretary is authorized
15 to conduct pilot and demonstration programs for the
16 purpose of developing and improving techniques and
17 demonstrating the effectiveness of specialized meth-
18 ods in addressing employment and training needs
19 which may include—

20 “(A) the establishment of advanced manu-
21 facturing technology skill centers developed
22 through local partnerships of industry, labor,
23 education, community-based organizations, and
24 economic development organizations to meet
25 unmet, high-tech skills of local communities;

1 “(B) programs conducted jointly with the
2 Department of Defense to develop training pro-
3 grams utilizing computer-based and other inno-
4 vative learning technologies;

5 “(C) projects that promote the use of dis-
6 tance learning, enabling students to take
7 courses through the use of media technology
8 such as videos, teleconferencing computers, and
9 the Internet; and

10 “(D) programs that serve economically dis-
11 advantaged youth in high poverty areas.

12 “(2) GRANTS AND CONTRACTS.—The Secretary
13 may award grants and enter into contracts with en-
14 tities to carry out this subsection.

15 “(3) EVALUATION AND EFFECTIVENESS.—
16 Demonstration programs assisted under this sub-
17 section shall include a formal, rigorous evaluation
18 component. Pilot programs assisted under this sub-
19 section shall include an appropriate evaluation com-
20 ponent.

21 “(4) SPECIAL RULE.—A demonstration pro-
22 gram under this subsection may not be assisted
23 under this subsection for a period of more than 7
24 years. A pilot program under this subsection may

1 not be assisted under this subsection for a period of
2 more than 3 years.

3 “(e) EVALUATION.—

4 “(1) ACTIVITIES.—

5 “(A) JOB TRAINING.—The Secretary shall
6 provide for the continuing evaluation of pro-
7 grams conducted under this Act.

8 “(B) OTHER PROGRAMS.—The Secretary
9 may conduct evaluations of federally-funded
10 employment-related activities under other provi-
11 sions of law.

12 “(2) TECHNIQUES.—

13 “(A) METHODS.—Evaluations conducted
14 under paragraph (1) shall utilize sound statis-
15 tical methods and techniques for the behavioral
16 and social sciences, including the use of control
17 groups chosen by scientific random assignment
18 methodologies when feasible.

19 “(B) EFFECTIVENESS.—The Secretary
20 shall evaluate the effectiveness of programs au-
21 thorized under this Act with respect to—

22 “(i) the statutory goals; and

23 “(ii) the cost effectiveness and return-
24 on-investment of such programs based on
25 the extent to which the programs—

1 “(I) enhance the employment and
2 earnings of participants;

3 “(II) reduce income support costs
4 (including the receipt of welfare as-
5 sistance);

6 “(III) improve the employment
7 competencies of participants in com-
8 parison to comparable persons who
9 did not participate in such programs;
10 and

11 “(IV) to the extent feasible, in-
12 crease the level of total employment
13 over the level that would have existed
14 in the absence of such programs.

15 “(f) TECHNICAL ASSISTANCE, DISSEMINATION, AND
16 REPLICATION ACTIVITIES.—The Secretary shall provide,
17 coordinate, and support the development of, appropriate
18 training, technical assistance, staff development, and other
19 activities, including assistance in replicating programs of
20 demonstrated effectiveness, to States and localities.

21 **“SEC. 452. INCENTIVE GRANTS.**

22 From amounts authorized to be appropriated pursu-
23 ant to section 3(a)(3) to carry out this part for a fiscal
24 year, the Secretary is authorized to award incentive grants

1 to States consistent with the requirements of section
2 156(a).”.

3 **SEC. 422. NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM.**
4

5 Section 456 of the Job Training Partnership Act (29
6 U.S.C. 1737) is hereby repealed.

7 **Subtitle D—Repealers**

8 **SEC. 451. REPEALERS.**

9 Parts F, G, H, I, and J of title IV of the Job Train-
10 ing Partnership Act (29 U.S.C. 1771 et seq.) are hereby
11 repealed.

12 **TITLE V—AMENDMENTS TO**
13 **ADULT EDUCATION PROGRAMS**

14 **SEC. 501. REPEAL OF JOBS FOR EMPLOYABLE DEPENDENT**
15 **INDIVIDUALS INCENTIVE BONUS PROGRAM.**

16 Title V of the Job Training Partnership Act (29
17 U.S.C. 1791 et seq.) is repealed.

18 **SEC. 502. TRANSFER AND AMENDMENT OF ADULT EDU-**
19 **CATION ACT.**

20 The Adult Education Act (20 U.S.C. 1201 et seq.)—

21 (1) is transferred from the Elementary and
22 Secondary Education Amendments of 1996 (Public
23 Law 89–750; 80 Stat. 1216) to the Job Training
24 Partnership Act (29 U.S.C. 1501 et seq.);

1 (2) is inserted in the Job Training Partnership
2 Act after title IV of such Act; and

3 (3) is amended to read as follows:

4 **“TITLE V—ADULT EDUCATION**
5 **PROGRAMS**

6 **“SEC. 501. SHORT TITLE.**

7 “‘This title may be cited as the ‘Adult Education and
8 Family Literacy Act’”.

9 **“SEC. 502. STATEMENT OF PURPOSE.**

10 “‘It is the purpose of this title to assist States and
11 outlying areas to provide—

12 “(1) to adults, the basic educational skills nec-
13 essary for employment and self-sufficiency; and

14 “(2) to adults who are parents, the educational
15 skills necessary to be full partners in the educational
16 development of their children.

17 **“SEC. 503. DEFINITION.**

18 “‘For purposes of this title:

19 “(1) ADULT EDUCATION.—The term ‘adult edu-
20 cation’ means services or instruction below the post-
21 secondary level for individuals—

22 “(A) who have attained 16 years of age;

23 “(B) who are not enrolled or required to be
24 enrolled in secondary school under State law;

25 “(C) who—

1 “(i) lack sufficient mastery of basic
2 educational skills to enable the individuals
3 to function effectively in society; or

4 “(ii) do not have a certificate of grad-
5 uation from a school providing secondary
6 education and who have not achieved an
7 equivalent level of education; and

8 “(D) who lack a mastery of basic skills
9 and are therefore unable to speak, read, or
10 write the English language.

11 “(2) ELIGIBLE AGENCY.—The term ‘eligible
12 agency’ means—

13 “(A) the individual, entity, or agency in a
14 State or an outlying area responsible for admin-
15 istering or setting policies for adult education
16 and literacy services in such State or outlying
17 area pursuant to the law of the State or outly-
18 ing area; or

19 “(B) if no individual, entity, or agency is
20 responsible for administering or setting such
21 policies pursuant to the law of the State or out-
22 lying area, the individual, entity, or agency in
23 a State or outlying area responsible for admin-
24 istering or setting policies for adult education
25 and literacy services in such State or outlying

1 area on the date of the enactment of the Em-
2 ployment, Training, and Literacy Enhancement
3 Act of 1997.

4 “(3) ELIGIBLE PROVIDER.—The term ‘eligible
5 provider’, used with respect to adult education and
6 literacy activities described in section 514(b), means
7 a provider determined to be eligible for assistance in
8 accordance with section 513.

9 “(4) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of Education.

11 **“SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There are authorized to be ap-
13 propriated to carry out this title such sums as may be
14 necessary for fiscal years 1998 through 2003.

15 “(b) RESERVATION OF FUNDS FOR NATIONAL LEAD-
16 ERSHIP ACTIVITIES.—For any fiscal year, the Secretary
17 shall reserve—

18 “(1) 1.5 percent of the amount appropriated
19 under subsection (a) (but not more than
20 \$6,500,000) to carry out section 521; and

21 “(2) 1.5 percent of the amount appropriated
22 under subsection (a) (but not more than
23 \$6,500,000) to establish and carry out the program
24 of national leadership and evaluation activities de-
25 scribed in section 522.

1 “(c) PROGRAM YEAR.—Appropriations for any fiscal
2 year for programs and activities carried out under part
3 A shall be available for obligation only on the basis of a
4 program year. The program year shall begin on July 1
5 in the fiscal year for which the appropriation is made.

6 **“PART A—GRANTS TO ELIGIBLE AGENCIES**

7 **“SEC. 511. AUTHORITY TO MAKE GRANTS.**

8 “(a) IN GENERAL.—In the case of each eligible agen-
9 cy that in accordance with section 101 submits to the Sec-
10 retary a plan, the Secretary shall make a grant for each
11 fiscal year for which such plan is in effect to the eligible
12 agency for the purpose specified in subsection (b). The
13 grant shall consist of the initial and additional allotments
14 determined for the eligible agency under section 512.

15 “(b) PURPOSE OF GRANTS.—The Secretary may
16 make a grant under subsection (a) only if the applicant
17 involved agrees to expend the grant for adult education
18 and literacy activities in accordance with the provisions
19 of this part.

20 **“SEC. 512. ALLOTMENTS.**

21 “(a) INITIAL ALLOTMENTS.—From the sums avail-
22 able for the purpose of making grants under this part for
23 any fiscal year, the Secretary shall allot to each eligible
24 agency that in accordance with section 101 submits to the
25 Secretary a plan for the year an initial amount as follows:

1 “(1) \$100,000, in the case of an eligible agency
2 of the United States Virgin Islands, Guam, Amer-
3 ican Samoa, the Commonwealth of the Northern
4 Mariana Islands, the Republic of the Marshall Is-
5 lands, the Federated States of Micronesia, and the
6 Republic of Palau.

7 “(2) \$250,000, in the case of any other eligible
8 agency.

9 “(b) ADDITIONAL ALLOTMENTS.—

10 “(1) IN GENERAL.—From the remainder avail-
11 able for the purpose of making grants under this
12 part for any fiscal year after the application of sub-
13 section (a), the Secretary shall allot to each eligible
14 agency that receives an initial allotment under such
15 subsection an additional amount that bears the same
16 relationship to such remainder as the number of
17 qualifying adults in the State or outlying area of the
18 agency bears to the number of such adults in all
19 States and outlying areas.

20 “(2) QUALIFYING ADULT.—For purposes of
21 this subsection, the term ‘qualifying adult’ means an
22 adult who—

23 “(A) is at least 16 years of age, but less
24 than 61 years of age;

1 “(B) is beyond the age of compulsory
2 school attendance under the law of the State or
3 outlying area;

4 “(C) does not have a certificate of gradua-
5 tion from a school providing secondary edu-
6 cation and has not achieved an equivalent level
7 of education; and

8 “(D) is not currently enrolled in secondary
9 school.

10 “(c) SPECIAL RULE.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of this section and using funds not to ex-
13 ceed the amount appropriated and reserved under
14 the Adult Education Act for fiscal year 1997 for the
15 Republic of the Marshall Islands, the Federated
16 States of Micronesia, and the Republic of Palau
17 under this section, the Secretary shall award grants
18 to Guam, American Samoa, the Commonwealth of
19 the Northern Mariana Islands, the Republic of the
20 Marshall Islands, the Federated States of Microne-
21 sia, or the Republic of Palau to carry out activities
22 described in this part in accordance with the provi-
23 sions of this part that the Secretary determines are
24 not inconsistent with this subsection.

1 “(2) AWARD BASIS.—The Secretary shall award
2 grants pursuant to paragraph (1) on a competitive
3 basis and pursuant to recommendations from the
4 Pacific Region Educational Laboratory in Honolulu,
5 Hawaii.

6 “(3) TERMINATION OF ELIGIBILITY.—Notwith-
7 standing any other provision of law, the Republic of
8 the Marshall Islands, the Federated States of Micro-
9 nesia, and the Republic of Palau shall not receive
10 any funds under this part for any fiscal year that
11 begins after September 30, 2001.

12 “(4) ADMINISTRATIVE COSTS.—The Secretary
13 may provide not more than 5 percent of the funds
14 made available for grants under this subsection to
15 pay the administrative costs of the Pacific Region
16 Educational Laboratory regarding activities assisted
17 under this subsection.

18 “(d) REALLOTMENT.—The portion of any eligible
19 agency’s allotment under subsection (a) or (b) for a fiscal
20 year that the Secretary determines will not be required
21 for the period such allotment is available for carrying out
22 activities under this part, shall be available for reallotment
23 from time to time, on such dates during such period as
24 the Secretary shall fix, to other eligible agencies in propor-

1 tion to the original allotments to such agencies under such
 2 subsection for such year.

3 **“SEC. 513. USE OF FUNDS.**

4 “(a) IN GENERAL.—Of the sum that is made avail-
 5 able under this part to an eligible agency for any program
 6 year—

7 “(1) not less than 85 percent shall be made
 8 available to award grants in accordance with this
 9 section to carry out adult education and literacy ac-
 10 tivities;

11 “(2) not more than 10 percent shall be made
 12 available to carry out activities described in section
 13 514(a); and

14 “(3) subject to paragraph (1), not more than 5
 15 percent, or \$50,000, whichever is greater, shall be
 16 made available for administrative expenses at the
 17 State level (or the level of the outlying area).

18 “(b) GRANTS.—

19 “(1) IN GENERAL.—Except as provided in para-
 20 graph (2), from the amount made available to an eli-
 21 gible agency for adult education and literacy under
 22 subsection (a)(1) for a program year, such agency
 23 shall award grants, on a competitive basis, to local
 24 educational agencies, correctional education agen-
 25 cies, community-based organizations of dem-

1 onstrated effectiveness, volunteer literacy organiza-
2 tions, libraries, public or private nonprofit agencies,
3 postsecondary educational institutions, public hous-
4 ing authorities, and other nonprofit institutions, that
5 have the ability to provide literacy services to adults
6 and families, or consortia of agencies, organizations,
7 or institutions described in this subsection, to enable
8 such agencies, organizations, institutions, and con-
9 sortia to carry out adult education and literacy ac-
10 tivities.

11 “(2) CONSORTIA.—An eligible agency may
12 award a grant under this section to a consortium
13 that includes a provider described in paragraph (1)
14 and a for-profit agency, organization, or institution,
15 if such agency, organization, or institution—

16 “(A) can make a significant contribution
17 to carrying out the objectives of this title; and

18 “(B) enters into a contract with such pro-
19 vider to carry out adult education and literacy
20 activities.

21 “(c) GRANT REQUIREMENTS.—

22 “(1) REQUIRED LOCAL ACTIVITIES.—An eligible
23 agency shall require that each provider receiving a
24 grant under this section use the grant in accordance
25 with section 514(b).

1 “(2) EQUITABLE ACCESS.—Each eligible agency
2 awarding a grant under this section for adult edu-
3 cation and literacy activities shall ensure that the
4 providers described in subsection (b) will be provided
5 direct and equitable access to all Federal funds pro-
6 vided under this section.

7 “(3) SPECIAL RULE.—Each eligible agency
8 awarding a grant under this section shall not use
9 any funds made available under this title for adult
10 education and literacy activities for the purpose of
11 supporting or providing programs, services, or activi-
12 ties for individuals who are not individuals described
13 in subparagraphs (A) and (B) of section 503(1), ex-
14 cept that such agency may use such funds for such
15 purpose if such programs, services, or activities are
16 related to family literacy services.

17 “(4) CONSIDERATIONS.—In awarding grants
18 under this section, the eligible agency shall con-
19 sider—

20 “(A) the past effectiveness of a provider
21 described in subsection (b) in providing services
22 (especially with respect to recruitment and re-
23 tention of educationally disadvantaged adults
24 and the learning gains demonstrated by such
25 adults);

1 “(B) the degree to which the provider will
2 coordinate with other available resources in the
3 community, such as by establishing strong links
4 with elementary and secondary schools, post-
5 secondary educational institutions, full service
6 employment and training delivery centers, job
7 training programs, and other literacy and social
8 service available in the community;

9 “(C) the commitment of the provider to
10 serve individuals in the community who are
11 most in need of literacy services, including indi-
12 viduals who are low income, who have minimal
13 literacy skills, or both;

14 “(D) whether or not the program is of suf-
15 ficient intensity and duration for participants to
16 achieve substantial learning gains;

17 “(E) the degree to which the provider will
18 offer flexible schedules and necessary support
19 services (such as child care and transportation)
20 to enable individuals, including individuals with
21 disabilities or other special needs, to participate
22 in adult education and literacy activities;

23 “(F) whether such provider has been suc-
24 cessful in recruiting, retraining, and improving
25 the literacy skills of, individuals; and

1 “(G) whether, not later than 1 year after
2 the date of the enactment of the Employment,
3 Training, and Literacy Enhancement Act of
4 1997, such provider has been successful in re-
5 training and improving the literacy skills of in-
6 dividuals, consistent with the core indicators of
7 performance set forth in section 154.

8 “(d) LOCAL ADMINISTRATIVE COST LIMITS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), of the funds provided under this section
11 by an eligible agency to a provider described in sub-
12 section (b), not less than 95 percent shall be ex-
13 pended for provision of adult education and literacy
14 activities. The remainder shall be used for planning,
15 administration, personnel development, and inter-
16 agency coordination.

17 “(2) SPECIAL RULE.—In cases where the cost
18 limits described in paragraph (1) will be too restric-
19 tive to allow for adequate planning, administration,
20 personnel development, and interagency coordination
21 supported under this section, the eligible agency
22 shall negotiate with the provider described in sub-
23 section (b) in order to determine an adequate level
24 of funds to be used for noninstructional purposes.

1 **“SEC. 514. ADULT EDUCATION AND LITERACY ACTIVITIES.**

2 “(a) PERMISSIBLE AGENCY ACTIVITIES.—An eligible
3 agency may use not more than 10 percent of the funds
4 made available to the eligible agency under this part for
5 activities that may include—

6 “(1) the establishment or operation of profes-
7 sional development programs to improve the quality
8 of instruction provided pursuant to local activities
9 required under subsection (b), including instruction
10 provided by volunteers or by personnel of a State or
11 outlying area;

12 “(2) the provision of technical assistance to eli-
13 gible providers of activities authorized under this
14 section;

15 “(3) the provision of technology assistance, in-
16 cluding staff training, to eligible providers of activi-
17 ties authorized under this section to enable the pro-
18 viders to improve the quality of such activities;

19 “(4) the support of State or regional networks
20 of literacy resource centers;

21 “(5) the monitoring and evaluation of the qual-
22 ity of, and the improvement in, activities and serv-
23 ices authorized under this section;

24 “(6) incentives for—

25 “(A) program coordination and integra-
26 tion; and

1 “(B) performance awards;

2 “(7) developing and disseminating curricula;

3 and

4 “(8) other activities of statewide significance
5 that promote the purposes of this Act.

6 “(b) REQUIRED LOCAL ACTIVITIES.—The eligible
7 agency shall require that each eligible provider receiving
8 a grant under section 513 use the grant to establish or
9 operate 1 or more programs that provide instruction or
10 services in 1 or more of the following categories:

11 “(1) Adult education and literacy services.

12 “(2) Family literacy services.

13 “(3) English literacy programs.

14 “(c) STATE-IMPOSED REQUIREMENTS.—Whenever a
15 State implements any rule or policy relating to the admin-
16 istration or operation of a program authorized under this
17 title that has the effect of imposing a requirement that
18 is not imposed under Federal law (including any rule or
19 policy based on a State interpretation of a Federal statute,
20 regulation, or guideline), it shall identify, to eligible pro-
21 viders, the rule or policy as being State-imposed.

22 **“SEC. 515. FISCAL REQUIREMENTS AND RESTRICTIONS RE-**
23 **LATED TO USE OF FUNDS.**

24 “(a) SUPPLEMENT NOT SUPPLANT.—Funds made
25 available under this part for adult education and literacy

1 activities shall supplement, and may not supplant, other
2 public funds expended to carry out activities described in
3 section 514.

4 “(b) MAINTENANCE OF EFFORT.—

5 “(1) IN GENERAL.—

6 “(A) DETERMINATION.—For each pro-
7 gram year and each eligible agency, the Sec-
8 retary shall determine whether the fiscal effort
9 per student, and the aggregate expenditures, of
10 such eligible agency for activities described in
11 section 514 for the program year preceding the
12 program year for which the determination is
13 made, was less than, equaled, or exceeded such
14 effort and expenditures for activities described
15 in such section for the second program year
16 preceding the program year for which the deter-
17 mination is made.

18 “(B) PROPORTIONATE REDUCTION.—Sub-
19 ject to paragraphs (2), (3), and (4), for any
20 program year with respect to which the Sec-
21 retary determines under subparagraph (A) that
22 the fiscal effort and the aggregate expenditures
23 of an eligible agency for the preceding program
24 year were less than such effort and expendi-

1 tures for the second preceding program year,
2 the Secretary—

3 “(i) shall determine the percentage
4 decreases in such effort and in such ex-
5 penditures; and

6 “(ii) shall decrease the payment made
7 under this part for such program year to
8 the agency for adult education and literacy
9 activities by the lesser of such percentages.

10 “(2) COMPUTATION.—In computing the fiscal
11 effort and aggregate expenditures under paragraph
12 (1), the Secretary shall exclude capital expenditures,
13 special one-time project costs, and similar windfalls.

14 “(3) DECREASE IN FEDERAL SUPPORT.—If the
15 amount made available for adult education and lit-
16 eracy activities under this part for a fiscal year is
17 less than the amount made available for adult edu-
18 cation and literacy activities under this part for the
19 preceding fiscal year, then the fiscal effort per stu-
20 dent and the aggregate expenditures of an eligible
21 agency required in order to avoid a reduction under
22 paragraph (1)(B) shall be decreased by the same
23 percentage as the percentage decrease in the amount
24 so made available.

1 “(4) WAIVER.—The Secretary may waive the
2 requirement of paragraph (1)(B) (with respect to
3 not more than 5 percent of expenditures required for
4 the preceding fiscal year by any eligible agency) for
5 1 program year only, after making a determination
6 that such waiver would be equitable due to excep-
7 tional or uncontrollable circumstances affecting the
8 ability of the eligible agency to meet such require-
9 ments, such as a natural disaster or an unforeseen
10 and precipitous decline in financial resources. No
11 level of funding permitted under such a waiver may
12 be used as the basis for computing the fiscal effort
13 or aggregate expenditures required under this sub-
14 section for years subsequent to the year covered by
15 such waiver. The fiscal effort and aggregate expendi-
16 tures for the subsequent years shall be computed on
17 the basis of the level of funding that would, but for
18 such waiver, have been required.

19 “(c) EXPENDITURES OF NON-FEDERAL FUNDS FOR
20 ADULT EDUCATION AND LITERACY ACTIVITIES.—For
21 any program year for which a grant is made to an eligible
22 agency under this part, the eligible agency shall expend,
23 on programs and activities relating to adult education and
24 literacy activities, an amount, derived from sources other
25 than the Federal Government, equal to 25 percent of the

1 amount made available to the eligible agency under this
2 part for adult education and literacy activities.

3 **“PART B—NATIONAL PROGRAMS**

4 **“SEC. 521. NATIONAL INSTITUTE FOR LITERACY.**

5 “(a) PURPOSE.—The National Institute for Literacy
6 shall—

7 “(1) provide national leadership with respect to
8 literacy in the United States;

9 “(2) coordinate literacy services; and

10 “(3) serve as a national resource for adult edu-
11 cation and family literacy by providing the best and
12 most current information available and supporting
13 the creation of new ways to offer services of proven
14 effectiveness.

15 “(b) ESTABLISHMENT.—

16 “(1) IN GENERAL.—There is established the
17 National Institute for Literacy (in this section re-
18 ferred to as the “Institute”). The Institute shall be
19 administered under the terms of an interagency
20 agreement entered into by the Secretary of Edu-
21 cation with the Secretary of Labor and the Secretary
22 of Health and Human Services (in this section re-
23 ferred to as the “Interagency Group”). The Inter-
24 agency Group may include in the Institute any re-
25 search and development center, institute, or clear-

1 inghouse established within the Department of Edu-
2 cation, the Department of Labor, or the Department
3 of Health and Human Services whose purpose is de-
4 termined by the Interagency Group to be related to
5 the purpose of the Institute.

6 “(2) OFFICES.—The Institute shall have offices
7 separate from the offices of the Department of Edu-
8 cation, the Department of Labor, and the Depart-
9 ment of Health and Human Services.

10 “(3) BOARD RECOMMENDATIONS.—The Inter-
11 agency Group shall consider the recommendations of
12 the National Institute for Literacy Advisory Board
13 (in this section referred to as the “Board”) estab-
14 lished under subsection (d) in planning the goals of
15 the Institute and in the implementation of any pro-
16 grams to achieve such goals.

17 “(4) DAILY OPERATIONS.—The daily operations
18 of the Institute shall be carried out by the Director
19 of the Institute appointed under subsection (g).

20 “(c) DUTIES.—

21 “(1) IN GENERAL.—In order to provide leader-
22 ship for the improvement and expansion of the sys-
23 tem for delivery of literacy services, the Institute is
24 authorized—

1 “(A) to establish, and make accessible, a
2 national electronic data base of information
3 that disseminates information to the broadest
4 possible audience within the literacy and basic
5 skills field, and that includes—

6 “(i) effective practices in the provision
7 of literacy and basic skills instruction, in-
8 cluding the integration of such instruction
9 with occupational skills training;

10 “(ii) public and private literacy and
11 basic skills programs and Federal, State,
12 and local policies affecting the provision of
13 literacy services at the national, State, and
14 local levels;

15 “(iii) opportunities for technical as-
16 sistance, meetings, conferences, and other
17 opportunities that lead to the improvement
18 of literacy and basic skills services; and

19 “(iv) a communication network for lit-
20 eracy programs, providers, social service
21 agencies, and students;

22 “(B) to coordinate support for the provi-
23 sion of literacy and basic skills services across
24 Federal agencies and at the State and local lev-
25 els;

1 “(C) to coordinate the support of research
2 and development on literacy and basic skills in
3 families and adults across Federal agencies, es-
4 pecially with the Office of Educational Research
5 and Improvement in the Department of Edu-
6 cation, and to carry out basic and applied re-
7 search and development on topics that are not
8 being investigated by other organizations or
9 agencies;

10 “(D) to collect and disseminate informa-
11 tion on methods of advancing literacy that show
12 great promise;

13 “(E) funding a network of State or re-
14 gional adult literacy resource centers to assist
15 State and local public and private nonprofit ef-
16 forts to improve literacy by—

17 “(i) encouraging the coordination of
18 literacy services;

19 “(ii) carrying out evaluations of the
20 effectiveness of adult education and lit-
21 eracy activities;

22 “(iii) enhancing the capacity of State
23 and local organizations to provide literacy
24 services; and

1 “(iv) serving as a reciprocal link be-
2 tween the Institute and providers of adult
3 education and literacy activities for the
4 purpose of sharing information, data, re-
5 search, expertise, and literacy resources;

6 “(F) to coordinate and share information
7 with national organizations and associations
8 that are interested in literacy and workforce de-
9 velopment;

10 “(G) to inform the development of policy
11 with respect to literacy and basic skills; and

12 “(H) to undertake other activities that
13 lead to the improvement of the Nation’s literacy
14 delivery system and that complement other such
15 efforts being undertaken by public and private
16 agencies and organizations.

17 “(2) GRANTS, CONTRACTS, AND AGREE-
18 MENTS.—The Institute may make grants to, or
19 enter into contracts or cooperative agreements with,
20 individuals, public or private institutions, agencies,
21 organizations, or consortia of such institutions,
22 agencies, or organizations to carry out the activities
23 of the Institute. Such grants, contracts, or agree-
24 ments shall be subject to the laws and regulations

1 that generally apply to grants, contracts, or agree-
2 ments entered into by Federal agencies.

3 “(d) LITERACY LEADERSHIP.—

4 “(1) FELLOWSHIPS.—The Institute, in con-
5 sultation with the Board, may award fellowships,
6 with such stipends and allowances as the Director
7 considers necessary, to outstanding individuals pur-
8 suing careers in adult education or literacy in the
9 areas of instruction, management, research, or inno-
10 vation.

11 “(2) USE OF FELLOWSHIPS.—Fellowships
12 awarded under this subsection shall be used, under
13 the auspices of the Institute, to engage in research,
14 education, training, technical assistance, or other ac-
15 tivities to advance the field of adult education or lit-
16 eracy, including the training of volunteer literacy
17 providers at the national, State, or local level.

18 “(3) INTERNS AND VOLUNTEERS.—The Insti-
19 tute, in consultation with the Board, may award
20 paid and unpaid internships to individuals seeking to
21 assist the Institute in carrying out its mission. Not-
22 withstanding section 1342 of title 31, United States
23 Code, the Institute may accept and use voluntary
24 and uncompensated services as the Institute deter-
25 mines necessary.

1 “(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY
2 BOARD.—

3 “(1) ESTABLISHMENT.—

4 “(A) IN GENERAL.—There is established a
5 National Institute for Literacy Advisory Board.
6 The Board shall consist of 10 individuals, ap-
7 pointed by the Interagency Group, from individ-
8 uals who—

9 “(i) are not otherwise officers or em-
10 ployees of the Federal Government; and

11 “(ii) are representative of entities or
12 groups described in subparagraph (B).

13 “(B) ENTITIES OR GROUPS DESCRIBED.—
14 The entities or groups referred to in subpara-
15 graph (A) are—

16 “(i) literacy organizations and provid-
17 ers of literacy services, including—

18 “(I) nonprofit providers of lit-
19 eracy services;

20 “(II) providers of programs and
21 services involving English language in-
22 struction; and

23 “(III) providers of services re-
24 ceiving assistance under this title;

1 “(ii) businesses that have dem-
2 onstrated interest in literacy programs;

3 “(iii) literacy students;

4 “(iv) experts in the area of literacy re-
5 search;

6 “(v) State and local governments;

7 “(vi) representatives of employees;
8 and

9 “(vii) State directors of adult edu-
10 cation.

11 “(2) DUTIES.—The Board—

12 “(A) shall make recommendations concern-
13 ing the appointment of the Director and staff
14 of the Institute;

15 “(B) shall provide independent advice on
16 the operation of the Institute; and

17 “(C) shall receive reports from the Inter-
18 agency Group and the Director.

19 “(3) FEDERAL ADVISORY COMMITTEE ACT.—
20 Except as otherwise provided, the Board established
21 by this subsection shall be subject to the provisions
22 of the Federal Advisory Committee Act (5 U.S.C.
23 App.).

24 “(4) TERMS.—

1 “(A) IN GENERAL.—Each member of the
2 Board shall be appointed for a term of 3 years,
3 except that the initial terms for members may
4 be 1, 2, or 3 years in order to establish a rota-
5 tion in which $\frac{1}{3}$ of the members are selected
6 each year. Any such member may be appointed
7 for not more than 2 consecutive terms.

8 “(B) VACANCY APPOINTMENTS.—Any
9 member appointed to fill a vacancy occurring
10 before the expiration of the term for which the
11 member’s predecessor was appointed shall be
12 appointed only for the remainder of that term.
13 A member may serve after the expiration of
14 that member’s term until a successor has taken
15 office. A vacancy in the Board shall be filled in
16 the manner in which the original appointment
17 was made. A vacancy in the Board shall not af-
18 fect the powers of the Board.

19 “(5) QUORUM.—A majority of the members of
20 the Board shall constitute a quorum but a lesser
21 number may hold hearings. Any recommendation of
22 the Board may be passed only by a majority of the
23 Board’s members present.

24 “(6) ELECTION OF OFFICERS.—The Chair-
25 person and Vice Chairperson of the Board shall be

1 elected by the members of the Board. The term of
2 office of the Chairperson and Vice Chairperson shall
3 be 2 years.

4 “(7) MEETINGS.—The Board shall meet at the
5 call of the Chairperson or a majority of the members
6 of the Board.

7 “(f) GIFTS, BEQUESTS, AND DEVISES.—The Insti-
8 tute may accept, administer, and use gifts or donations
9 of services, money, or property, both real and personal.

10 “(g) MAILS.—The Board and the Institute may use
11 the United States mails in the same manner and under
12 the same conditions as other departments and agencies of
13 the Federal Government.

14 “(h) DIRECTOR.—The Interagency Group, after con-
15 sidering recommendations made by the Board, shall ap-
16 point and fix the pay of a Director.

17 “(i) APPLICABILITY OF CERTAIN CIVIL SERVICE
18 LAWS.—The Director and staff of the Institute may be
19 appointed without regard to the provisions of title 5,
20 United States Code, governing appointments in the com-
21 petitive service, and may be paid without regard to the
22 provisions of chapter 51 and subchapter III of chapter 53
23 of that title relating to classification and General Schedule
24 pay rates, except that an individual so appointed may not

1 receive pay in excess of the maximum rate payable under
2 section 5376 of title 5, United States Code.

3 “(j) EXPERTS AND CONSULTANTS.—The Board and
4 the Institute may procure temporary and intermittent
5 services under section 3109(b) of title 5, United States
6 Code.

7 “(k) REPORT.—The Institute shall submit a report
8 biennially to the committees of the United States House
9 of Representatives and the Senate having jurisdiction over
10 this Act. Each report submitted under this subsection
11 shall include—

12 “(1) a comprehensive and detailed description
13 of the Institute’s operations, activities, financial con-
14 dition, and accomplishments in the field of literacy
15 for the period covered by the report;

16 “(2) a description of how plans for the oper-
17 ation of the Institute for the succeeding two fiscal
18 years will facilitate achievement of the goals of the
19 Institute and the goals of the literacy programs
20 within the Department of Education, the Depart-
21 ment of Labor, and the Department of Health and
22 Human Services; and

23 “(3) any additional minority, or dissenting
24 views submitted by members of the Board.

1 “(1) FUNDING.—Any amounts appropriated to the
2 Secretary of Education, the Secretary of Labor, or the
3 Secretary of Health and Human Services for purposes
4 that the Institute is authorized to perform under this sec-
5 tion may be provided to the Institute for such purposes.

6 **“SEC. 522. NATIONAL LEADERSHIP ACTIVITIES.**

7 “The Secretary shall establish and carry out a pro-
8 gram of national leadership activities to enhance the qual-
9 ity of adult education and family literacy programs nation-
10 wide. Such activities may include the following:

11 “(1) Providing technical assistance to recipients
12 of assistance under part A in developing and using
13 benchmarks and performance measures for improve-
14 ment of adult education and literacy activities, in-
15 cluding family literacy services.

16 “(2) Awarding grants, on a competitive basis,
17 to an institution of higher education, a public or pri-
18 vate organization or agency, or a consortium of such
19 institutions, organizations, or agencies to carry out
20 research and technical assistance—

21 “(A) for the purpose of developing, improv-
22 ing, and identifying the most successful meth-
23 ods and techniques for addressing the education
24 needs of adults; and

1 “(B) to increase the effectiveness of, and
2 improve the quality of, adult education and lit-
3 eracy activities, including family literacy serv-
4 ices.

5 “(3) Providing for the conduct of an independ-
6 ent evaluation and assessment of adult education
7 and literacy activities, through studies and analyses
8 conducted independently through grants and con-
9 tracts awarded on a competitive basis. Such evalua-
10 tion and assessment shall include descriptions of—

11 “(A) the effect of benchmarks, perform-
12 ance measures, and other measures of account-
13 ability on the delivery of adult education and
14 literacy activities, including family literacy serv-
15 ices;

16 “(B) the extent to which the adult edu-
17 cation and literacy activities, including family
18 literacy services, increase the literacy skills of
19 adults (and of children, in the case of family lit-
20 eracy services), lead the participants in such ac-
21 tivities to involvement in further education and
22 training, enhance the employment and earnings
23 of such participants, and, if applicable, lead to
24 other positive outcomes, such as reductions in

1 recidivism in the case of prison-based adult edu-
2 cation and literacy services; and

3 “(C) the extent to which eligible agencies
4 have distributed funds part A to meet the needs
5 of adults through community-based organiza-
6 tions.

7 “(4) Carrying out demonstration programs,
8 replicating model programs, disseminating best prac-
9 tices information, and providing technical assistance,
10 for the purposes of developing, improving, and iden-
11 tifying the most successful methods and techniques
12 for providing the activities assisted under part A.

13 “(5) Other activities designed to enhance the
14 quality of adult education and literacy nationwide,
15 such as providing incentive grants to States consist-
16 ent with section 156.”.

17 **SEC. 503. REPEAL OF NATIONAL LITERACY ACT OF 1991.**

18 The National Literacy Act of 1991 (Public Law 102–
19 73; 105 Stat. 333) is repealed.

20 **SEC. 504. CONFORMING AMENDMENTS.**

21 (a) REFUGEE EDUCATION ASSISTANCE ACT.—Sub-
22 section (b) of section 402 of the Refugee Education Assist-
23 ance Act of 1980 (8 U.S.C. 1522 note) is repealed.

24 (b) ELEMENTARY AND SECONDARY EDUCATION ACT
25 OF 1965.—

1 (1) SECTION 1206 OF ESEA.—Section
 2 1206(a)(1)(A) of the Elementary and Secondary
 3 Education Act of 1965 (20 U.S.C. 6366(a)(1)(A)) is
 4 amended by striking “an adult basic education pro-
 5 gram” and inserting “adult education and literacy
 6 activities”.

7 (2) SECTION 3113 OF ESEA.—Section 3113(1)
 8 of such Act (20 U.S.C. 6813(1)) is amended by
 9 striking “section 312 of the Adult Education Act;”
 10 and inserting “section 503 of the Adult Education
 11 and Family Literacy Act;”.

12 (3) SECTION 9161 OF ESEA.—Section 9161(2)
 13 of such Act (20 U.S.C. 7881(2)) is amended by
 14 striking “section 312(2) of the Adult Education
 15 Act.” and inserting “section 503 of the Adult Edu-
 16 cation and Family Literacy Act.”.

17 **TITLE VI—MISCELLANEOUS** 18 **PROVISIONS**

19 **SEC. 601. REPEALERS.**

20 (a) AMENDMENTS TO THE WAGNER-PEYSER ACT.—
 21 Section 601 of the Job Training Partnership Act is hereby
 22 repealed.

23 (b) AMENDMENTS TO PART C OF TITLE IV OF THE
 24 SOCIAL SECURITY ACT.—Section 602 of the Job Training
 25 Partnership Act is hereby repealed.

1 (c) EARNINGS DISREGARD.—Section 603 of the Job
2 Training Partnership Act is hereby repealed.

3 (d) SAVINGS PROVISION.—The repeals made by sub-
4 sections (a), (b), and (c), of any provision of law described
5 in any such subsection that amended or repealed another
6 provision of law does not in any way affect that amend-
7 ment or repeal.

8 **SEC. 602. CONFORMING AMENDMENTS.**

9 (a) ENFORCEMENT OF MILITARY SELECTIVE SERV-
10 ICE ACT.—Section 604 of the Job Training Partnership
11 Act (29 U.S.C 1504)—

12 (1) is redesignated as section 182 of such Act;
13 and

14 (2) added after section 181 of such Act.

15 (b) STATE JOB BANK SYSTEMS.—Section 605 of
16 such Act (29 U.S.C 1505) is amended—

17 (1) by striking subsection (a);

18 (2) in subsection (b), by striking “shall make
19 such” and inserting “may make”;

20 (3) by redesignating subsections (b) and (c) as
21 subsections (a) and (b), respectively;

22 (4) by redesignating such section as section 466
23 of such Act; and

24 (5) by adding such section after section 465 of
25 such Act.

1 (c) STATE LABOR MARKET INFORMATION PRO-
2 GRAMS.—Section 125 of such Act (29 U.S.C. 1535)—

3 (1) is redesignated as section 467 of such Act;

4 and

5 (2) is added after section 466 of such Act.

6 **TITLE VII—AMENDMENTS TO**
7 **STATE HUMAN RESOURCE IN-**
8 **VESTMENT COUNCIL**

9 **SEC. 701. AMENDMENTS TO COUNCIL.**

10 (a) ESTABLISHMENT AND FUNCTIONS.—Section 701
11 of the Job Training Partnership Act (29 U.S.C. 1792) is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “shall review” and in-
16 serting “reviews”; and

17 (ii) by striking “advise” and inserting
18 “advises”;

19 (B) in paragraph (2), by striking “shall
20 advise” and inserting “advises”;

21 (C) in paragraph (3), by striking “shall
22 carry” and inserting “carries”;

23 (D) by striking paragraph (4);

24 (E) in paragraph (5), by striking “may
25 recommend” and inserting “recommends”;

1 (F) in paragraph (6), to read as follows:

2 “(6) prepares and recommends to the Governor
3 a strategic to be included as part of the State plan
4 under section 101 that would accomplish the goals
5 developed pursuant to paragraph (4);”;

6 (G) in paragraph (7)—

7 (i) by striking “may monitor” and in-
8 serting “monitors”; and

9 (ii) by striking the period at the end
10 and inserting “; and”;

11 (H) by adding at the end the following:

12 “(8) may serve as the collaborative process de-
13 scribed in section 102.”; and

14 (I) by redesignating paragraphs (5)
15 through (8) (as amended or added, as the case
16 may be) as paragraphs (4) through (7), respec-
17 tively; and

18 (2) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “(A) Except as provided in subparagraph
22 (B), for purposes” and inserting “For pur-
23 poses”; and

24 (ii) by striking subparagraph (B); and

25 (B) in paragraph (2)—

1 (i) by striking “applicable Federal
2 human resource programs” and all that
3 follows through “may include” and insert-
4 ing “applicable Federal human resource
5 programs may include”;

6 (ii) in clause (v), by striking the
7 “and” at the end;

8 (iii) in clause (vii)—

9 (I) by adding at the end before
10 the semicolon the following: “and title
11 I of the Personal Responsibility and
12 Work Opportunity Reconciliation Act
13 of 1996”; and

14 (II) by redesignating clause (vii)
15 as clause (vi); and

16 (iv) in subparagraph (B)—

17 (I) by striking “may not include
18 programs authorized under”; and

19 (II) by redesignating such sub-
20 paragraph as clause (vii); and

21 (v) by redesignating clauses (i)
22 through (vii) as subparagraphs (A)
23 through (G), respectively, and moving the
24 margin for each such subparagraph two
25 ems to the left.

1 (b) COMPOSITION.—Section 702 of such Act (29
2 U.S.C 1792a) is amended—

3 (1) by striking subsections (a), (b), and (c); and

4 (2) inserting the following:

5 “Each State Council shall be composed of the individ-
6 uals and entities described in section 102(a).”.

7 (c) ADMINISTRATION.—Section 703 of such Act (29
8 U.S.C. 1792b) is amended—

9 (1) in subsection (a)(2)—

10 (A) by inserting “for State administrative
11 expenses” after “funds otherwise available”;

12 and

13 (B) by striking “, including funds avail-
14 able” and all that follows through “such Act”;

15 (2) by striking subsection (c); and

16 (3) by redesignating subsection (d) as sub-
17 section (c).

18 **SEC. 702. TRANSFER OF COUNCIL.**

19 Title VII of the Job Training Partnership Act (29
20 U.S.C. 1792 et seq.), as amended by section 701, is trans-
21 ferred to the end of part A of title I of such Act, as amend-
22 ed by section 111 of this Act.

23 **SEC. 703. CONFORMING AMENDMENTS.**

24 (a) IN GENERAL.—Title VII of the Job Training
25 Partnership Act (29 U.S.C. 1792 et seq.), as transferred

1 to the end of part A of title I of such Act by section 702,
2 is amended—

3 (1) by striking the title heading;

4 (2) by redesignating such title as section 103 of
5 such Act and conforming the section heading and
6 margin accordingly;

7 (3) by redesignating sections 701 through 703
8 as subsections (a) through (c), respectively, of sec-
9 tion 103 (as redesignated by paragraph (2)) and
10 conforming the subsection headings and margins ac-
11 cordingly;

12 (4) by redesignating each subsection, para-
13 graph, and subparagraph of sections 701 through
14 703 (as such sections existed immediately prior to
15 the amendments made by paragraph (3)) as a para-
16 graph, subparagraph, and clause, respectively, of
17 section 103 (as redesignated by paragraph (3)) and
18 conforming the headings and margins accordingly;
19 and

20 (5) in subsection (a)(2)(B) (as redesignated),
21 by striking “paragraph (1)” and inserting “subpara-
22 graph (A)”.

23 (b) ADDITIONAL AMENDMENT.—Section 103 of the
24 Job Training Partnership Act, as redesignated by sub-

1 section (a)(2), is amended by striking “title” each place
 2 it appears and inserting “section”.

3 **TITLE VIII—AMENDMENTS TO**
 4 **WAGNER-PEYSER ACT**

5 **SEC. 801. DEFINITIONS.**

6 Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)
 7 is amended—

8 (1) in paragraph (1), by striking “Job Training
 9 Partnership Act” and inserting “Employment,
 10 Training, and Literacy Enhancement Act”;

11 (2) by striking paragraphs (2) and (4);

12 (3) by redesignating paragraphs (3) and (5) as
 13 paragraphs (5) and (6), respectively;

14 (4) by inserting after paragraph (1) the follow-
 15 ing:

16 “(2) the term ‘local workforce development
 17 area’ means a local workforce development area des-
 18 ignated under section 121 of the Employment,
 19 Training, and Literacy Enhancement Act;

20 “(3) the term ‘local workforce development
 21 board’ means a local workforce development board
 22 established under section 122 of the Employment,
 23 Training, and Literacy Enhancement Act;

24 “(4) the term ‘full service employment and
 25 training delivery system’ means a system established

1 under section 123 of the Employment, Training, and
2 Literacy Enhancement Act;

3 (5) in paragraph (5) (as redesignated in para-
4 graph (3)), by striking the semicolon and inserting
5 “; and”.

6 **SEC. 802. FUNCTIONS.**

7 (a) IN GENERAL.—Section 3(a) of the Wagner-
8 Peyser Act (29 U.S.C. 49b(a)) is amended to read as fol-
9 lows:

10 “(a) The Secretary of Labor—

11 “(1) shall assist in the coordination and devel-
12 opment of a nationwide system of labor exchange
13 services for the general public, provided as part of
14 the full service employment and training delivery
15 systems of the States;

16 “(2) shall assist in the development of continu-
17 ous improvement models for such nationwide system
18 that ensure private sector satisfaction with the sys-
19 tem and meet the demands of jobseekers relating to
20 the system; and

21 “(3) shall ensure, for individuals otherwise eligi-
22 ble to receive unemployment compensation, the con-
23 tinuation of any activities in which the individuals
24 are required to participate to receive the compensa-
25 tion.”.

1 (b) CONFORMING AMENDMENTS.—Section 508(b) of
2 the Unemployment Compensation Amendments of 1976
3 (42 U.S.C. 603a(b)) is amended—

4 (1) by striking “the third sentence of section
5 3(a)” and inserting “section 3(b)”; and

6 (2) by striking “49b(a)” and inserting
7 “49b(b))”.

8 **SEC. 803. DESIGNATION OF STATE AGENCIES.**

9 Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c)
10 is amended—

11 (1) by striking “, through its legislature,” and
12 inserting “pursuant to State statute”;

13 (2) by inserting after “the provisions of this Act
14 and” the following: “, in accordance with such State
15 statute, the Governor shall”; and

16 (3) by striking “United States Employment
17 Service” and inserting “Secretary”.

18 **SEC. 804. APPROPRIATIONS.**

19 Section 5(c) of the Wagner-Peyser Act (29 U.S.C.
20 49d(c)) is amended by striking paragraph (3).

21 **SEC. 805. DISPOSITION OF ALLOTTED FUNDS.**

22 Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f)
23 is amended—

1 (1) in subsection (b)(2), by striking “private in-
2 dustry council” and inserting “local workforce devel-
3 opment board”;

4 (2) in subsection (c)(2)(B), to read as follows:

5 “(B) Title III of the Employment, Training,
6 and Literacy Enhancement Act.”;

7 (3) in subsection (d), by striking “Job Training
8 Partnership Act” and inserting “Employment,
9 Training, and Literacy Enhancement Act”; and

10 (4) by adding at the end the following:

11 “(e) All job search, placement, recruitment, labor
12 market information, and other labor exchange services au-
13 thorized under subsections (a) and (b) shall be provided
14 as part of the full service employment and training deliv-
15 ery system established by the State.”.

16 **SEC. 806. STATE PLANS.**

17 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)
18 is amended—

19 (1) in subsection (a) to read as follows:

20 “(a) Any State desiring to receive assistance under
21 this Act shall submit to the Secretary, as part of the State
22 plan submitted under section 101 of the Employment,
23 Training, and Literacy Enhancement Act, detailed plans
24 for carrying out the provisions of this Act within such
25 State.”;

1 (2) by striking subsections (b), (c), and (e); and
2 (3) by redesignating subsection (d) as sub-
3 section (b).

4 **SEC. 807. FEDERAL ADVISORY COUNCIL.**

5 Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j)
6 is hereby repealed.

7 **SEC. 808. REGULATIONS.**

8 Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k)
9 is amended by striking “The Director, with the approval
10 of the Secretary of Labor,” and inserting “The Sec-
11 retary”.

12 **SEC. 809. EFFECTIVE DATE.**

13 The amendments made by this title shall take effect
14 on July 1, 1998.

15 **TITLE IX—TECHNICAL AND**
16 **CONFORMING AMENDMENTS**
17 **Subtitle A—Amendments to the Job**
18 **Training Partnership Act**

19 **SEC. 901. SHORT TITLE; TABLE OF CONTENTS.**

20 Section 1 of the Job Training Partnership Act (29
21 U.S.C 1501 note) is amended to read as follows:

22 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

23 “(a) SHORT TITLE.—This Act may be cited as the
24 “Employment, Training, and Literacy Enhancement Act”.

- 1 “(b) TABLE OF CONTENTS.—The table of contents
2 of this Act is as follows:

- “Sec. 1. Short title; table of contents.
“Sec. 2. Statement of purpose.
“Sec. 3. Authorization of appropriations.
“Sec. 4. Definitions.

“TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS

“PART A—STATE ADMINISTRATIVE PROVISIONS

- “Sec. 101. State plan.
“Sec. 102. Collaborative process.
“Sec. 103. State Human Resource Investment Council.

“PART B—LOCAL ADMINISTRATIVE PROVISIONS

- “Sec. 121. Local workforce development areas.
“Sec. 122. Local workforce development boards.
“Sec. 123. Full service employment and training delivery system.
“Sec. 124. Identification of training providers.

“PART C—PROGRAM AND FISCAL PROVISIONS

“SUBPART 1—GENERAL PROVISIONS

- “Sec. 141. General program requirements.
“Sec. 142. Benefits.
“Sec. 143. Labor standards.
“Sec. 144. Grievance procedure.
“Sec. 145. Prohibition against Federal control of education.
“Sec. 146. Identification of additional imposed requirements.
“Sec. 147. Authority of State legislature.
“Sec. 148. Interstate agreements.

“SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

- “Sec. 151. Performance accountability system.
“Sec. 152. Indicators of performance.
“Sec. 153. State adjusted benchmarks.
“Sec. 154. Core indicators of performance.
“Sec. 155. Report on performance.
“Sec. 156. Incentive grants and sanctions.

“SUBPART 3—OTHER PROVISIONS

- “Sec. 161. Program year.
“Sec. 162. Prompt allocation of funds.
“Sec. 163. Monitoring.
“Sec. 164. Fiscal controls; sanctions.
“Sec. 165. Reports; recordkeeping; investigations.
“Sec. 166. Administrative Adjudication.
“Sec. 167. Nondiscrimination.
“Sec. 168. Administrative provisions.
“Sec. 169. Utilization of services and facilities.

- “Sec. 170. Obligational authority.
- “Sec. 171. Limitation on certain costs.

“PART D—MISCELLANEOUS PROVISIONS

- “Sec. 181. Reference.
- “Sec. 182. Enforcement of Military Selective Service Act.

“TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND
TRAINING OPPORTUNITIES GRANTS

- “Sec. 201. Statement of purpose.
- “Sec. 202. Authorization.
- “Sec. 203. Allotment and allocation among States.
- “Sec. 204. Allocation within States.
- “Sec. 205. Eligibility for services.
- “Sec. 206. Use of funds.
- “Sec. 207. Selection of service providers.
- “Sec. 208. Linkages.

“TITLE III—ADULT EMPLOYMENT AND TRAINING
OPPORTUNITIES GRANTS

- “Sec. 301. Purpose.

“PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

- “Sec. 311. Authorization.
- “Sec. 312. Allotment among States.
- “Sec. 313. Allocation within States.
- “Sec. 314. Use of amounts.

“PART B—NATIONAL PROGRAMS

- “Sec. 321. National emergency grants.
- “Sec. 322. Skill upgrading projects in enterprise zones or empowerment communities.

“TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

“PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS
AND MIGRANT AND SEASONAL FARMWORKERS

- “Sec. 401. Native American programs.
- “Sec. 402. Migrant and seasonal farmworker program.

“PART B—JOB CORPS

- “Sec. 421. Statement of purpose.
- “Sec. 422. Establishment of the Job Corps.
- “Sec. 423. Individuals eligible for the Job Corps.
- “Sec. 424. Screening and selection of applicants: general provisions.
- “Sec. 425. Screening and selection: special limitations.
- “Sec. 426. Enrollment and assignment.
- “Sec. 427. Job Corps centers.
- “Sec. 428. Program activities.
- “Sec. 429. Allowances and support.
- “Sec. 430. Standards of conduct.
- “Sec. 431. Community participation.

- “Sec. 432. Counseling and job placement.
- “Sec. 433. Experimental and developmental projects and coordination with other programs.
- “Sec. 433A. Job Corps centers for homeless families.
- “Sec. 434. Advisory boards and committees.
- “Sec. 435. Participation of the States.
- “Sec. 436. Application of provisions of Federal law.
- “Sec. 437. Special provisions.
- “Sec. 438. General provisions.
- “Sec. 439. Donations.

“PART C—VETERANS’ EMPLOYMENT PROGRAMS

- “Sec. 441. Authorization of programs.

“PART D—NATIONAL ACTIVITIES

- “Sec. 451. Research, demonstration, evaluation, and capacity building.
- “Sec. 452. Incentive grants.
- “Sec. 453. Uniform reporting requirements.

“PART E—LABOR MARKET INFORMATION

- “Sec. 461. Labor market information; availability of funds.
- “Sec. 462. Cooperative labor market information program.
- “Sec. 463. Special federal responsibilities.
- “Sec. 464. National Occupational Information Coordinating Committee.
- “Sec. 465. Job bank program.
- “Sec. 466. State job bank systems.
- “Sec. 467. State labor market information programs.

“TITLE V—ADULT EDUCATION PROGRAMS

- “Sec. 501. Short title.
- “Sec. 502. Statement of purpose.
- “Sec. 503. Definition.
- “Sec. 504. Authorization of appropriations.

“PART A—GRANTS TO ELIGIBLE AGENCIES

- “Sec. 511. Authority to make grants.
- “Sec. 512. Allotments.
- “Sec. 513. Use of funds.
- “Sec. 514. Adult education and literacy activities.
- “Sec. 515. Fiscal requirements and restrictions related to use of funds.

“PART B—NATIONAL PROGRAMS

- “Sec. 521. National Institute for Literacy.
- “Sec. 522. National leadership activities.

1 SEC. 902. DEFINITIONS.

2 Section 4 of such Act (29 U.S.C 1503), as amended

3 by section 103, is further amended, as follows:

1 (1) By striking the heading and the matter pre-
2 ceding paragraph (1) and inserting the following:

3 **“SEC. 4. DEFINITIONS.**

4 “As used in this Act, the following definitions
5 apply:”.

6 (2) In paragraph (3), by striking “The term”
7 and inserting “AREA OF SUBSTANTIAL UNEMPLOY-
8 MENT.—The term”.

9 (3) In paragraph (7), by striking “The term”
10 and inserting “ECONOMIC DEVELOPMENT AGEN-
11 CIES.—The term”.

12 (4) In paragraph (8), by striking “The term”
13 and inserting “ECONOMICALLY DISADVANTAGED.—
14 The term”.

15 (5) In paragraph (9), by striking “The term”
16 and inserting “GOVERNOR.—The term”.

17 (6) In paragraph (12), by striking “The term”
18 and inserting “INSTITUTION OF HIGHER EDU-
19 CATION.—The term”.

20 (7) In paragraph (13), by striking “The term”
21 and inserting “LABOR MARKET AREA.—The term”.

22 (8) In paragraph (14), by striking “The term”
23 and inserting “LOCAL EDUCATIONAL AGENCY.—The
24 term”.

1 (9) In paragraph (15), by striking “The term”
2 and inserting “LOW-INCOME LEVEL.—The term”.

3 (10) In paragraph (16), by striking “The term”
4 and inserting “LOWER LIVING STANDARD INCOME
5 LEVEL.—The term”.

6 (11) In paragraph (17), by striking “The term”
7 and inserting “OFFENDER.—The term”.

8 (12) In paragraph (18), by striking “The term”
9 and inserting “POSTSECONDARY INSTITUTION.—The
10 term”.

11 (13) In paragraph (20), by striking “The term”
12 and inserting “PUBLIC ASSISTANCE.—The term”.

13 (14) In paragraph (23), by striking “The term”
14 and inserting “STATE EDUCATIONAL AGENCY.—The
15 term”.

16 (15) In paragraph (25), by striking “The term”
17 and inserting “UNEMPLOYED INDIVIDUALS.—The
18 term”.

19 (16) In paragraph (26), by striking “The term”
20 and inserting “UNEMPLOYED INDIVIDUALS.—The
21 term”.

22 (17) In paragraph (28), by striking “The term”
23 and inserting “VOCATIONAL EDUCATION.—The
24 term”.

1 (18) In paragraph (29), by striking “The term”
2 and inserting “DISPLACED HOMEMAKER.—The
3 term”.

4 (19) In paragraph (30), by striking “The term”
5 and inserting “NONTRADITIONAL EMPLOYMENT.—
6 The term”.

7 (20) In paragraph (31), by striking “The term”
8 and inserting “BASIC SKILLS DEFICIENT.—The
9 term”.

10 (21) In paragraph (32), by striking “The term”
11 and inserting “CASE MANAGEMENT.—The term”.

12 (22) In paragraph (33), by striking “The term”
13 and inserting “CITIZENSHIP SKILLS.—The term”.

14 (23) In paragraph (34), by striking “The term”
15 and inserting “FAMILY.—The term”.

16 (24) In paragraph (37), by striking “The term”
17 and inserting “PARTICIPANT.—The term”.

18 (25) In paragraph (38), by striking “The term”
19 and inserting “SCHOOL DROPOUT.—The term”.

20 (26) In paragraph (39), by striking “The term”
21 and inserting “TERMINATION.—The term”.

22 (27) In paragraph (40), by striking “The term”
23 and inserting “YOUTH CORPS PROGRAM.—The
24 term”.

1 (28) By redesignating paragraphs 1, 2, 3, 31,
 2 32, 4, 33, 5, 6, 29, 7, 8, 41, 42, 34, 43, 44, 9, 45,
 3 46, 10, 12, 13, 47, 48, 49, 14, 15, 50, 16, 30, 17,
 4 51, 52, 37, 18, 20, 53, 38, 21, 54, 22, 55, 56, 23,
 5 57, 24, 39, 25, 26, 27, 28, and 40 as paragraphs
 6 1 through 53, respectively.

7 **SEC. 903. AMENDMENTS TO TITLE I.**

8 (a) **HEADING.**—The heading of title I of the Job
 9 Training Partnership Act (29 U.S.C. 1501 et seq.) is
 10 amended to read as follows:

11 **“TITLE I—STATE AND LOCAL**
 12 **ADMINISTRATIVE PROVISIONS”.**

13 (b) **PART C.**—

14 (1) **HEADINGS.**—Part C of title I of such Act
 15 (29 U.S.C. 1551 et seq.), as amended by this Act,
 16 is further amended—

17 (A) in the heading of such part to read as
 18 follows:

19 **“PART C—PROGRAM AND FISCAL PROVISIONS”;**

20 (B) by inserting after the heading for such
 21 part the following:

22 **“Subpart 1—General Provisions”;**

23 (C) by inserting after section 145, as
 24 amended by this Act, the following:

1 **“Subpart 2—Performance Accountability Provisions”;**

2 and

3 (D) by inserting after section 157 (as
4 amended by this Act) the following:

5 **“Subpart 3—Other Provisions”.**

6 (2) SECTION 141.—Section 141 of such Act (29
7 U.S.C 1551), as amended by this Act, is further
8 amended—

9 (A) in the section heading to read as fol-
10 lows:

11 **“SEC. 141. GENERAL PROGRAM REQUIREMENTS.”;**

12 and

13 (B) by redesignating subsections (a), (b),
14 (c), (e), (g), (h), (j), and (l) through (r) as
15 paragraphs (1) through (14), respectively, and
16 moving the margin for each such paragraph two
17 ems to the right.

18 (3) SECTION 142.—Section 142 of such Act (29
19 U.S.C. 1552), as amended by this Act, is further
20 amended—

21 (A) in the section heading to read as fol-
22 lows:

23 **“SEC. 142. BENEFITS.”;**

24 and

1 (B) in subsection (b), by striking “Allow-
2 ances” and inserting “ADDITIONAL REQUIRE-
3 MENT.—Allowances”.

4 (4) SECTION 145.—Section 145 of such Act (29
5 U.S.C 1555) is amended in the section heading to
6 read as follows:

7 **“SEC. 145. PROHIBITION AGAINST FEDERAL CONTROL OF**
8 **EDUCATION.”.**

9 (5) SECTION 146.—Section 146 of such Act (as
10 redesignated) is amended—

11 (A) in the section heading to read as fol-
12 lows:

13 **“SEC. 146. IDENTIFICATION OF ADDITIONAL IMPOSED RE-**
14 **QUIREMENTS.”;**

15 and

16 (B) by striking “service delivery area”
17 each place it appears and inserting “workforce
18 development area”.

19 (6) SECTION 147.—Section 147 of such Act (as
20 redesignated) is amended in the section heading to
21 read as follows:

22 **“SEC. 147. AUTHORITY OF STATE LEGISLATURE.”.**

23 (7) SECTION 148.—Section 148 of such Act (as
24 redesignated) is amended in the section heading to
25 read as follows:

1 **“SEC. 148. INTERSTATE AGREEMENTS.”.**

2 (c) PART D.—

3 (1) HEADING.—Part D of title I of such Act is
4 amended by striking the heading for such part.

5 (2) SECTION 161.—Section 161 of such Act (29
6 U.S.C 1571), as amended by this Act, is further
7 amended—

8 (A) in the section heading to read as fol-
9 lows:

10 **“SEC. 161. PROGRAM YEAR.”;**

11 (B) in subsection (a), by striking “(a)”
12 and inserting the following:

13 “(a) PROGRAM YEAR.—”; and

14 (C) in subsection (b), by striking “(b)”
15 and inserting the following:

16 “(b) AVAILABILITY.—”.

17 (3) SECTION 162.—Section 162 of such Act (29
18 U.S.C 1572), as amended by this Act, is further
19 amended—

20 (A) in the section heading to read as fol-
21 lows:

22 **“SEC. 162. PROMPT ALLOCATION OF FUNDS.”;**

23 (B) in subsection (a), by striking “(a)”
24 and inserting “(a) ALLOTMENTS AND ALLOCA-

25 TIONS BASED ON LATEST AVAILABLE
26 DATA.—”;

1 (C) in subsection (b), by striking “(b)”
 2 and inserting “(b) PUBLICATION IN FEDERAL
 3 REGISTER RELATING TO MANDATORY
 4 FUNDS.—”;

5 (D) in subsection (c), by striking “(c)” and
 6 inserting “(c) REQUIREMENT FOR FUNDS DIS-
 7 TRIBUTED BY FORMULA.—”;

8 (E) in subsection (d), by striking “(d)”
 9 and inserting “(d) PUBLICATION IN FEDERAL
 10 REGISTER RELATING TO DISCRETIONARY
 11 FUNDS.—”; and

12 (F) in subsection (e)—

13 (i) by striking “(e)” and inserting
 14 “(e) AVAILABILITY OF FUNDS.—”; and

15 (ii) by striking “service delivery area”
 16 and inserting “local workforce development
 17 area”.

18 (4) SECTION 163.—Section 163 of such Act (29
 19 U.S.C 1573) is amended—

20 (A) in the section heading to read as fol-
 21 lows:

22 **“SEC. 163. MONITORING.”;**

23 (B) in subsection (a), by striking “(a)”
 24 and inserting “(a) IN GENERAL.—”;

1 (C) in subsection (b), by striking “(b)”
2 and inserting “(b) INVESTIGATIONS.—”; and

3 (D) in subsection (c), by striking “(c)” and
4 inserting “(c) ADDITIONAL REQUIREMENT.—”.

5 (5) SECTION 164.—Section 164 of such Act (29
6 U.S.C 1574) is amended—

7 (A) in the section heading to read as fol-
8 lows:

9 **“SEC. 164. FISCAL CONTROLS; SANCTIONS.”;**

10 (B) in subsection (a)—

11 (i) by striking “(a)(1)” and inserting
12 the following:

13 “(a) ESTABLISHMENT OF FISCAL CONTROLS BY
14 STATES.—

15 “(1) IN GENERAL.—”; and

16 (ii) in paragraph (2), by striking
17 “(2)” and inserting “(2) REGULATIONS.—
18 ” and moving such paragraph two ems to
19 the right;

20 (C) in subsection (e)—

21 (i) by striking “(e)(1)” and inserting
22 the following:

23 “(e) REPAYMENT OF AMOUNTS.—

24 “(1) IN GENERAL.—”;

1 (ii) in paragraph (2), by striking
 2 “(2)” and inserting “(2) FACTORS IN IM-
 3 POSING SANCTIONS.—” and moving such
 4 paragraph two ems to the right; and

5 (iii) in paragraph (3), by striking
 6 “(3)” and inserting “(3) WAIVER.—” and
 7 moving such paragraph two ems to the
 8 right;

9 (D) in subsection (f), by striking “(f)” and
 10 inserting “(f) IMMEDIATE TERMINATION OR
 11 SUSPENSION OF ASSISTANCE IN EMERGENCY
 12 SITUATIONS.—”; and

13 (E) by redesignating subsections (d), (e),
 14 and (f) as subsections (b), (c), and (d), respec-
 15 tively.

16 (6) SECTION 165.—Section 165 of such Act (29
 17 U.S.C 1575) is amended—

18 (A) in the section heading to read as fol-
 19 lows:

20 **“SEC. 165. REPORTS; RECORDKEEPING; INVESTIGATIONS.”;**

21 (B) in subsection (a)—

22 (i) by striking “(a)(1)” and inserting
 23 the following:

24 “(a) REPORTS.—

25 “(1) IN GENERAL.—”;

1 (ii) in paragraph (2), by striking
2 “(2)” and inserting “(2) SUBMISSION TO
3 THE SECRETARY.—” and moving such
4 paragraph two ems to the right; and

5 (iii) in paragraph (3), by striking
6 “(3)” and inserting “(3) MAINTENANCE
7 OF STANDARDIZED RECORDS.—” and mov-
8 ing such paragraph two ems to the right;
9 and

10 (iv) in paragraph (4)—

11 (I) by striking “(4)(A)” and in-
12 serting “(4) AVAILABILITY TO THE
13 PUBLIC.—” and moving such para-
14 graph two ems to the right;

15 (II) in subparagraph (B), by
16 striking “(B)” and inserting “(B) EX-
17 CEPTION.—” and moving such para-
18 graph two ems to the right; and

19 (III) in subparagraph (C), by
20 striking “(C)” and inserting “(C)
21 FEES TO RECOVER COSTS.—” and
22 moving such paragraph two ems to
23 the right;

24 (C) in subsection (b)—

1 (i) by striking “(b)(1)(A)” and insert-
2 ing the following:

3 “(b) INVESTIGATIONS OF USE OF FUNDS.—

4 “(1) IN GENERAL.—(A)”;

5 (ii) in subparagraph (B) of paragraph
6 (1), by moving such subparagraph two ems
7 to the right;

8 (iii) in paragraph (2), by striking
9 “(2)” and inserting “(2) PROHIBITION.—”
10 and moving such paragraph two ems to the
11 right; and

12 (iv) in paragraph (3)—

13 (I) by striking “(3)(A)” and in-
14 serting the following:

15 “(3) AUDITS.—

16 “(A) IN GENERAL.—”;

17 (II) in subparagraph (B), by
18 striking “(B)” and inserting “(B) No-
19 TIFICATION REQUIREMENT.—” and
20 moving such subparagraph two ems to
21 the right;

22 (III) in subparagraph (C), by
23 striking “(C)” and inserting “(C) AD-
24 DITIONAL REQUIREMENT.—” and

1 moving such subparagraph two ems to
2 the right; and

3 (IV) in subparagraph (D), by
4 striking “(D)” and inserting “(D)
5 RULE OF CONSTRUCTION.—” and
6 moving such subparagraph two ems to
7 the right;

8 (D) in subsection (c)—

9 (i) by striking “(c)” and inserting
10 “(c) ACCESSIBILITY OF REPORTS.—”; and

11 (ii) in paragraph (2), by striking
12 “service delivery area” and inserting “local
13 workforce development area”;

14 (E) in subsection (d)—

15 (i) by striking “(d)(1)” and inserting
16 the following;

17 “(d) INFORMATION TO BE INCLUDED IN RE-
18 PORTS.—

19 “(1) IN GENERAL.—”; and

20 (ii) in paragraph (2), by striking
21 “(2)” and inserting “(2) ADDITIONAL RE-
22 QUIREMENT.—” and moving such para-
23 graph two ems to the right;

24 (F) in subsection (e), by striking “(e)” and
25 inserting “(e) RETENTION OF RECORDS.—”;

1 (G) in subsection (f)—

2 (i) by striking “(f)(1)” and inserting
3 the following:

4 “(f) QUARTERLY FINANCIAL REPORTS.—

5 “(1) IN GENERAL.—”;

6 (ii) by striking “service delivery area”
7 and inserting “local workforce development
8 area”; and

9 (iii) in paragraph (2), by striking
10 “(2)” and inserting “(2) ADDITIONAL RE-
11 QUIREMENT.—” and moving such para-
12 graph two ems to the right; and

13 (H) in subsection (g), by striking “(g)”
14 and inserting “(g) MAINTENANCE OF ADDI-
15 TIONAL RECORDS.—”.

16 (7) SECTION 166.—Section 166 of such Act (29
17 U.S.C. 1576) is amended—

18 (A) in the section heading to read as fol-
19 lows:

20 **“SEC. 166. ADMINISTRATIVE ADJUDICATION.”;**

21 (B) in subsection (a), by striking “(a)”
22 and inserting the following:

23 “(a) IN GENERAL.—”;

24 (C) in subsection (b), by striking “(b)”
25 and inserting the following:

1 “(b) APPEAL.—”;

2 (D) in subsection (c), by striking “(c)” and
3 inserting the following:

4 “(c) TIME LIMIT.—”; and

5 (E) in subsection (d), by striking “(d)”
6 and inserting the following:

7 “(d) ADDITIONAL REQUIREMENT.—”;

8 (8) SECTION 169.—Section 169 of such Act (29
9 U.S.C 1579) is amended—

10 (A) in the section heading to read as fol-
11 lows:

12 **“SEC. 169. ADMINISTRATIVE PROVISIONS.”;**

13 (B) in subsection (a), by striking “(a)”
14 and inserting “(a) IN GENERAL.—”;

15 (C) in subsection (b), by striking “(b)”
16 and inserting “(b) ACQUISITION OF CERTAIN
17 PROPERTY AND SERVICES.—”;

18 (D) in subsection (c), by striking “(c)” and
19 inserting “(c) AUTHORITY TO ENTER INTO
20 CERTAIN AGREEMENTS AND TO MAKE CER-
21 TAIN EXPENDITURES.—”; and

22 (D) in subsection (d), by striking “(d)”
23 and inserting “(d) ANNUAL REPORT.—”.

1 (9) SECTION 170.—Section 170 of such Act (29
2 U.S.C 1580) is amended in the section heading to
3 read as follows:

4 **“SEC. 170. UTILIZATION OF SERVICES AND FACILITIES.”.**

5 (10) SECTION 171.—Section 171 of such Act
6 (29 U.S.C 1581) is amended in the section heading
7 to read as follows:

8 **“SEC. 171. OBLIGATIONAL AUTHORITY.”.**

9 (11) REDESIGNATION.—Sections 169, 170,
10 171, and 172 of the Job Training Partnership Act
11 (29 U.S.C. 1579, 1580, and 1581), as amended or
12 added by this Act, as the case may be, are further
13 amended by redesignating such sections as sections
14 168, 169, 170, and 171 of such Act, respectively.

15 (d) PART E.—

16 (1) HEADING.—The heading for part E of title
17 I of such Act is amended by redesignating such
18 heading as the heading for part D of title I of such
19 Act.

20 (2) SECTION 183.—Section 183 of such Act (29
21 U.S.C 1592), as amended by this Act, is further
22 amended by redesignating such section as section
23 181.

1 **SEC. 904. AMENDMENTS TO TITLE IV.**

2 (a) PART HEADINGS.—The following part headings
3 of title IV of the Job Training Partnership Act (29 U.S.C.
4 1671 et seq.) are amended as follows:

5 (1) The heading for part A of title IV of such
6 Act is amended to read as follows:

7 **“PART A—EMPLOYMENT AND TRAINING PRO-**
8 **GRAMS FOR NATIVE AMERICANS AND MI-**
9 **GRANT AND SEASONAL FARMWORKERS”.**

10 (2) The heading for part B of title IV of such
11 Act is amended to read as follows:

12 **“PART B—JOB CORPS”.**

13 (3) The heading for part C of title IV of such
14 Act is amended to read as follows:

15 **“PART C—VETERANS’ EMPLOYMENT PROGRAMS”.**

16 (4) The heading for part D of title IV of such
17 Act is amended to read as follows:

18 **“PART D—NATIONAL ACTIVITIES”.**

19 (5) The heading for part E of title IV of such
20 Act is amended to read as follows:

21 **“PART E—LABOR MARKET INFORMATION”.**

22 (b) SECTION 441.—Section 441 of such Act (29
23 U.S.C 1721) is amended—

24 (1) in the section heading to read as follows:

25 **“SEC. 441. AUTHORIZATION OF PROGRAMS.”;**

26 (2) in subsection (a)—

1 (A) by striking “(a)(1)” and inserting the
2 following:

3 “(a) AUTHORIZATION.—

4 “(1) IN GENERAL.—”;

5 (B) in paragraph (2), by striking “(2)”
6 and inserting “(2) CONDUCT OF PRO-
7 GRAMS.—” and moving such paragraph two
8 ems to the right; and

9 (C) in paragraph (3), by striking “(3)”
10 and inserting “(3) REQUIRED ACTIVITIES.—”
11 and moving such paragraph two ems to the
12 right; and

13 (3) in subsection (b)—

14 (A) by striking “(b)(1)” and inserting the
15 following:

16 “(b) ADMINISTRATION OF PROGRAMS.—

17 “(1) IN GENERAL.—”; and

18 (B) in paragraph (2), by striking “(2)”
19 and inserting “(2) ADDITIONAL RESPONSIBIL-
20 ITIES.—” and moving such paragraph two ems
21 to the right.

22 (c) SECTION 455.—Section 455 of such Act (29
23 U.S.C 1735) is amended—

24 (1) in the section heading to read as follows:

1 **“SEC. 455. UNIFORM REPORTING REQUIREMENTS.”;**

2 and

3 (2) by redesignating such section as section
4 453.

5 (d) SECTION 461.—Section 461 of such Act (29
6 U.S.C 1751) is amended—

7 (1) in the section heading to read as follows:

8 **“SEC. 461. LABOR MARKET INFORMATION; AVAILABILITY**
9 **OF FUNDS.”;**

10 (2) in subsection (a), by striking “(a)” and in-
11 serting “(a) SET-ASIDE OF FUNDS.—”;

12 (3) in subsection (b)—

13 (A) by striking “(b)” and inserting “(b)

14 AVAILABILITY FOR ADDITIONAL PURPOSE.—”;

15 and

16 (B) by striking “section 125” and insert-
17 ing “section 467”; and

18 (4) in subsection (c), by striking “(c)” and in-
19 serting “(c) AVAILABILITY OF OTHER FUNDS.—”.

20 (e) SECTION 462.—Section 462 of such Act (29
21 U.S.C 1752) is amended—

22 (1) in the section heading to read as follows:

23 **“SEC. 462. COOPERATIVE LABOR MARKET INFORMATION**
24 **PROGRAM.”;**

25 (2) in subsection (a), by striking “(a)” and in-
26 serting “(a) DATA ON CURRENT EMPLOYMENT.—”;

1 (3) in subsection (b), by striking “(b)” and in-
2 serting “(b) MAINTENANCE OF DESCRIPTIONS OF
3 JOB DUTIES AND RELATED INFORMATION.—”;

4 (4) in subsection (c), by striking “(c)” and in-
5 serting “(c) ADDITIONAL REQUIREMENTS.—”;

6 (5) in subsection (d)—

7 (A) by striking “(d)(1)” and inserting the
8 following:

9 “(d) DATA FOR ANNUAL STATISTICAL MEASURE OF
10 LABOR MARKET RELATED ECONOMIC HARDSHIP.—

11 “(1) IN GENERAL.—”;

12 (B) in paragraph (2), by striking “(2)”
13 and inserting “(2) HOUSEHOLD BUDGET
14 DATA.—” and moving such paragraph two ems
15 to the right; and

16 (C) in paragraph (3), by striking “(3)”
17 and inserting “(3) REPORT.—” and moving
18 such paragraph two ems to the right;

19 (6) in subsection (e), by striking “(e)” and in-
20 serting “(e) STATISTICAL DATA RELATING TO PER-
21 MANENT LAY-OFFS AND PLANT CLOSINGS.—”

22 (7) in subsection (f)—

23 (A) by striking “(f)(1)” and inserting the
24 following:

1 “(f) DATA RELATING TO PERMANENT DISLOCATION
2 OF FARMERS AND RANCHERS.—

3 “(1) IN GENERAL.—”; and

4 (B) in paragraph (2), by striking “(2)”
5 and inserting “(2) REPORT.—” and moving
6 such paragraph two ems to the right; and
7 (8) by striking subsection (g).

8 (f) SECTION 463.—Section 463 of such Act (29
9 U.S.C 1753) is amended—

10 (1) in the section heading to read as follows:

11 **“SEC. 463. SPECIAL FEDERAL RESPONSIBILITIES.”;**

12 (2) in subsection (a), by striking “(a)” and in-
13 serting “(a) REVIEW AND APPLICATION OF LABOR
14 MARKET INFORMATION.—”;

15 (3) in subsection (b), by striking “(b)” and in-
16 serting “(b) INTEGRATED OCCUPATIONAL SUPPLY
17 AND DEMAND INFORMATION SYSTEM.—”; and

18 (4) in subsection (c), by striking “(c)” and in-
19 serting “(c) SUFFICIENT FUNDS FOR STAF-
20 FING.—”.

21 (g) SECTION 464.—Section 464 of such Act (29
22 U.S.C 1754) is amended—

23 (1) in the section heading to read as follows:

1 **“SEC. 464. NATIONAL OCCUPATIONAL INFORMATION CO-**
2 **ORDINATING COMMITTEE.”;**

3 (2) in subsection (a)—

4 (A) by striking “(a)(1)” and inserting the
5 following:

6 “(a) RESERVATION.—

7 “(1) IN GENERAL.—”;

8 (B) in paragraph (2), by striking “(2)”
9 and inserting “(2) ADDITIONAL MEMBERS.—”
10 and moving such paragraph two ems to the
11 right; and

12 (C) in paragraph (3), by striking “(3)”
13 and inserting “(3) ADDITIONAL REQUIRE-
14 MENT.—” and moving such paragraph two ems
15 to the right;

16 (3) in subsection (b), by striking “(b)” and in-
17 serting “(b) ADDITIONAL RESPONSIBILITIES.—”;
18 and

19 (4) in subsection (c), by striking “(c)” and in-
20 serting “(c) USE OF FUNDS.—”.

21 (h) SECTION 465.—Section 465 of such Act (29
22 U.S.C 1755) is amended in the section heading to read
23 as follows:

24 **“SEC. 465. JOB BANK PROGRAM.”.**

25 (i) SECTION 466.—Section 466 of such Act (as redes-
26 ignated) is amended—

1 (1) in subsection (a) (as redesignated), by strik-
2 ing “(a)” and inserting “(a) IN GENERAL.—”; and
3 (2) in subsection (b) (as redesignated), by strik-
4 ing “(b)” and inserting “(b) COMPUTERIZED DATA
5 SYSTEMS.—”.

6 (j) SECTION 467.—Section 467 of such Act (as redes-
7 ignated) is amended—

8 (1) in the section heading to read as follows:

9 **“SEC. 467. STATE LABOR MARKET INFORMATION PRO-**
10 **GRAMS.”;**

11 (2) in subsection (a), by striking “(a)” and in-
12 serting the following:

13 **“(a) IN GENERAL.—”;**

14 (3) in subsection (b), by striking “(b)” and in-
15 serting the following:

16 **“(b) ADDITIONAL REQUIREMENTS.—”;**

17 (4) in subsection (c), by striking “(c)” and in-
18 serting the following:

19 **“(c) REIMBURSEMENTS.—”; and**

20 (5) in subsection (d), by striking “(d)” and in-
21 serting the following:

22 **“(d) COMBINATION OR CONSOLIDATION OF CERTAIN**
23 **REPORTING REQUIREMENTS.—”.**

1 **SEC. 905. AMENDMENTS TO TITLE VI.**

2 The Job Training Partnership Act (29 U.S.C. 1501
3 et seq.) is amended by striking the heading for title VI
4 of such Act.

5 **Subtitle B—Amendments to Other**
6 **Acts**

7 **SEC. 911. AMENDMENTS TO OTHER ACTS.**

8 The following Acts are amended as follows:

9 (1) TITLE 5, UNITED STATES CODE.—Section
10 3502(d) of title 5, United States Code, is amend-
11 ed—

12 (A) in paragraph (3)—

13 (i) in subparagraph (A), by striking
14 “or units (referred to in section 311(b)(2)
15 of the Job Training Partnership Act)” and
16 inserting “referred to in section
17 313(a)(2)(B)(i) of the Employment, Train-
18 ing, and Literacy Enhancement Act”; and

19 (ii) in subparagraph (B)(iii), by strik-
20 ing “Job Training Partnership Act” and
21 inserting “Employment, Training, and Lit-
22 eracy Enhancement Act”; and

23 (B) in paragraph (4), in the second sen-
24 tence, by striking “Job Training Partnership
25 Act” and inserting “Employment, Training,
26 and Literacy Enhancement Act”.

1 (2) FOOD STAMP ACT OF 1977.—

2 (A) SECTION 5.—Section 5(l) of the Food
3 Stamp Act of 1977 (7 U.S.C. 2014(l)) is
4 amended by striking “Job Training Partnership
5 Act (29 U.S.C. 1552(b))” and inserting “title
6 II, III, or IV of the Employment, Training, and
7 Literacy Enhancement Act”.

8 (B) SECTION 6.—Section 6 of the Food
9 Stamp Act of 1977 (7 U.S.C. 2015) is amend-
10 ed—

11 (i) in subsection (d)(4)(M), by strik-
12 ing “Job Training Partnership Act” and
13 inserting “Employment, Training, and Lit-
14 eracy Enhancement Act”; and

15 (ii) in subsection (e)(3), by striking
16 subparagraph (A) and inserting the follow-
17 ing:

18 “(A) a program under title II, III, or IV
19 of the Employment, Training, and Literacy En-
20 hancement Act;”.

21 (C) SECTION 17.—The second sentence of
22 section 17(b)(2) of the Food Stamp Act of
23 1977 (7 U.S.C. 2026(b)(2)) is amended—

24 (i) by striking “to accept an offer of
25 employment from a political subdivision or

1 a prime sponsor pursuant to the Com-
2 prehensive Employment and Training Act
3 of 1973, as amended (29 U.S.C. 812),”
4 and inserting “to accept an offer of em-
5 ployment from a service provider carrying
6 out employment and training activities
7 through a program carried out under title
8 II, III, or IV of the Employment, Train-
9 ing, and Literacy Enhancement Act,”; and

10 (ii) by striking “: *Provided*, That all
11 of the political subdivision’s” and all that
12 follows and inserting “, if all of the jobs
13 supported under the program have been
14 made available to participants in the pro-
15 gram before the service provider providing
16 the jobs extends an offer of employment
17 under this paragraph, and if the service
18 provider, in employing the person, complies
19 with the requirements of Federal law that
20 relate to the program.”.

21 (3) IMMIGRATION AND NATIONALITY ACT.—Sec-
22 tion 245A(h)(4)(F) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by
24 striking “The Job Training Partnership Act.” and

1 inserting “The Employment, Training, and Literacy
2 Enhancement Act.”.

3 (4) REFUGEE EDUCATION ASSISTANCE ACT OF
4 1980.—Section 402(a)(4) of the Refugee Education
5 Assistance Act of 1980 (8 U.S.C. 1522 note) is
6 amended by striking “the Comprehensive Employ-
7 ment and Training Act of 1973” and inserting “the
8 Employment, Training, and Literacy Enhancement
9 Act”.

10 (5) NATIONAL DEFENSE AUTHORIZATION ACT
11 FOR FISCAL YEAR 1993.—

12 (A) SECTION 3161.—Section 3161(c)(6) of
13 the National Defense Authorization Act for Fis-
14 cal Year 1993 (42 U.S.C. 7274h(c)(6)) is
15 amended by striking “Job Training Partnership
16 Act” and inserting “title II, III, or IV of the
17 Employment, Training, and Literacy Enhance-
18 ment Act;”.

19 (B) SECTION 4461.—Section 4461(1) of
20 the National Defense Authorization Act for Fis-
21 cal Year 1993 (10 U.S.C. 1143 note) is amend-
22 ed by striking “The Job Training Partnership
23 Act (29 U.S.C. 1501 et seq.).” and inserting
24 “The Employment, Training, and Literacy En-
25 hancement Act.”.

1 (C) SECTION 4471.—Section 4471 of the
2 National Defense Authorization Act for Fiscal
3 Year 1993 (10 U.S.C. 2501 note) is amended—

4 (i) in subsection (c)(2), by striking
5 “section 311(b)(2) of the Job Training
6 Partnership Act” and inserting
7 “313(a)(2)(B)(i) of the Employment,
8 Training, and Literacy Enhancement Act”;

9 (ii) in subsection (d)—

10 (I) in the first sentence, by strik-
11 ing “for training, adjustment assist-
12 ance, and employment services” and
13 all that follows through “except
14 where” and inserting “to participate
15 in employment and training activities
16 carried out under the Employment,
17 Training, and Literacy Enhancement
18 Act, except in a case in which”; and

19 (II) by striking the second sen-
20 tence; and

21 (iii) in subsection (f)—

22 (I) in paragraph (3)—

23 (aa) in subparagraph (B),
24 by striking “the State dislocated”
25 and all that follows through “and

1 the chief” and inserting “the
2 Governor of the appropriate
3 State and the chief”; and

4 (bb) in subparagraph (C),
5 by striking “grantee under sec-
6 tion 325(a) or 325A(a)” and all
7 that follows through “employ-
8 ment services” and inserting “re-
9 cipient of assistance under the
10 Workforce and Career Develop-
11 ment Act of 1996 providing em-
12 ployment and training activities”;
13 and

14 (II) in paragraph (4), by striking
15 “for training,” and all that follows
16 through “beginning” and inserting
17 “to participate in employment and
18 training activities under the
19 Workforce and Career Development
20 Act of 1996 beginning”.

21 (6) NATIONAL DEFENSE AUTHORIZATION ACT
22 FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the
23 National Defense Authorization Act for Fiscal Year
24 1991 (10 U.S.C. 2391 note) is amended by inserting
25 before the period the following: “, as in effect on the

1 day before the date of the enactment of the Employ-
2 ment, Training, and Literacy Enhancement Act of
3 1997”.

4 (7) NATIONAL DEFENSE AUTHORIZATION ACT
5 FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of
6 the National Defense Authorization Act for Fiscal
7 Year 1994 (10 U.S.C. 2701 note) is amended by
8 striking “Private industry councils (as described in
9 section 102 of the Job Training Partnership Act (29
10 U.S.C. 1512)).” and inserting “Local workforce de-
11 velopment boards established under section 122 of
12 the Employment, Training, and Literacy Enhance-
13 ment Act.”.

14 (8) SMALL BUSINESS ACT.—The fourth sen-
15 tence of section 7(j)(13)(E) of the Small Business
16 Act (15 U.S.C. 636(j)(13)(E)) is amended by strik-
17 ing “the Job Training Partnership Act (29 U.S.C.
18 1501 et seq.)” and inserting “under section 124 of
19 the Employment, Training, and Literacy Enhance-
20 ment Act”.

21 (9) EMPLOYMENT ACT OF 1946.—Section
22 4(f)(2)(B) of the Employment Act of 1946 (15
23 U.S.C. 1022a(f)(2)(B)) is amended by striking “and
24 include these in the annual Employment and Train-
25 ing Report of the President required under section

1 705(a) of the Comprehensive Employment and
2 Training Act of 1973 (hereinafter in this Act re-
3 ferred to as ‘CETA’))” and inserting “and prepare
4 and submit to the President an annual report con-
5 taining the recommendations”.

6 (10) FULL EMPLOYMENT AND BALANCED
7 GROWTH ACT OF 1978.—

8 (A) SECTION 206.—Section 206 of the Full
9 Employment and Balanced Growth Act of 1978
10 (15 U.S.C. 3116) is amended—

11 (i) in subsection (b)—

12 (I) in the heading, by striking
13 “CETA” and inserting “THE EM-
14 PLOYMENT, TRAINING, AND LITERACY
15 ENHANCEMENT ACT”;

16 (II) in the matter preceding
17 paragraph (1), by striking “CETA”
18 and inserting “the Employment,
19 Training, and Literacy Enhancement
20 Act”; and

21 (III) in paragraph (1), by strik-
22 ing “(including use of section 110 of
23 CETA when necessary)”; and

1 (ii) in subsection (c)(1), by striking
2 “through the expansion of CETA and
3 other”.

4 (B) SECTION 401.—Section 401(d) of the
5 Full Employment and Balanced Growth Act of
6 1978 (15 U.S.C. 3151(d)) is amended by strik-
7 ing “include, in the annual Employment and
8 Training Report of the President provided
9 under section 705(a) of CETA,” and inserting
10 “include, in the annual report referred to in
11 section 4(f)(2)(B) of the Employment Act of
12 1946 (15 U.S.C. 1022a(f)(2)(B)),”.

13 (11) TITLE 18, united states code.—Subsections
14 (a), (b), and (c) of section 665 of title 18, United
15 States Code are amended by striking “or the Job
16 Training Partnership Act” and inserting “the Job
17 Training Partnership Act, or the Employment,
18 Training, and Literacy Enhancement Act”.

19 (12) TRADE ACT OF 1974.—Section 239(e) of
20 the Trade Act of 1974 (19 U.S.C. 2311(e)) is
21 amended by striking “Job Training Partnership
22 Act” and inserting “Employment, Training, and Lit-
23 eracy Enhancement Act”.

24 (13) HIGHER EDUCATION ACT.—Section
25 480(b)(14) of the Higher Education Act of 1965 (20

1 U.S.C. 1087vv(b)(14)) is amended by striking “Job
2 Training Partnership Act” and inserting “received
3 through participation under titles II, III, or IV of
4 the Employment, Training, and Literacy Enhance-
5 ment Act”.

6 (14) INDIVIDUALS WITH DISABILITIES EDU-
7 CATION ACT.—Section 626 of the Individuals with
8 Disabilities Education Act (20 U.S.C. 1425) is
9 amended—

10 (A) in the first sentence of subsection (a),
11 by striking “(including the State job training
12 coordinating councils and service delivery area
13 administrative entities established under the
14 Job Training Partnership Act)” and inserting
15 “(including the State collaborative process
16 under of section 102 of the Employment, Train-
17 ing, and Literacy Enhancement Act and local
18 workforce development boards established under
19 section 122 of such Act)”;

20 (B) in subsection (e)—

21 (i) in paragraphs (3)(C) and
22 (4)(A)(iii), by striking “local Private In-
23 dustry Councils (PICS) authorized by the
24 Job Training Partnership Act (JTPA),”
25 and inserting “local workforce development

boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,”; and

(ii) in clauses (iii), (iv), (v), and (vii) of paragraph (4)(B), by striking “PICS authorized by the JTPA” and inserting “local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act”; and

(C) in subsection (g) (as amended by subsection (i)(3)), by striking “the Job Training Partnership Act (JTPA),” and inserting “the Employment, Training, and Literacy Enhancement Act,”.

(15) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) (as redesignated in section 271(a)(2) of the Improving America’s Schools Act of 1994) is amended by striking “under section 303(c)(2) of the Comprehensive Employment and Training Act” and inserting “relating to such education”.

(16) NATIONAL SKILL STANDARDS ACT OF 1994.—

1 (A) SECTION 504.—Section 504(c)(3) of
2 the National Skill Standards Act of 1994 (20
3 U.S.C. 5934(c)(3)) is amended by striking “the
4 Capacity Building and Information and Dis-
5 semination Network established under section
6 453(b) of the Job Training Partnership Act (29
7 U.S.C. 1733(b)) and”.

8 (B) SECTION 508.—Section 508(1) of the
9 National Skill Standards Act of 1994 (20
10 U.S.C. 5938(1)) is amended to read as follows:

11 “(1) COMMUNITY-BASED ORGANIZATION.—The
12 term ‘community-based organization’ means a pri-
13 vate nonprofit organization of demonstrated effec-
14 tiveness that is representative of a community or a
15 significant segment of a community and that pro-
16 vides workforce and career development activities, as
17 defined in section 4 of the Workforce and Career
18 Development Act of 1996.”.

19 (17) ELEMENTARY AND SECONDARY EDU-
20 CATION ACT OF 1965.—

21 (A) SECTION 1205.—Section 1205(8)(B) of
22 the Elementary and Secondary Education Act
23 of 1965 (20 U.S.C. 6365(8)(B)) (as amended
24 by subsection (j)(2)(B)) is further amended by
25 striking “, the Adult Education Act, the Indi-

viduals with Disabilities Education Act, and the
Job Training Partnership Act” and inserting
“the Individuals with Disabilities Education
Act, and the Employment, Training, and Lit-
eracy Enhancement Act”.

(B) SECTION 1414.—Section 1414(c)(8) of
the Elementary and Secondary Education Act
of 1965 (20 U.S.C. 6434(c)(8)) is amended by
striking “programs under the Job Training
Partnership Act,” and inserting “activities
under the Employment, Training, and Literacy
Enhancement Act,”.

(C) SECTION 1423.—Section 1423(9) of the
Elementary and Secondary Education Act of
1965 (20 U.S.C. 6453(9)) is amended by strik-
ing “programs under the Job Training and
Partnership Act” and inserting “activities
under the Employment, Training, and Literacy
Enhancement Act”.

(D) SECTION 1425.—Section 1425(9) of
the Elementary and Secondary Education Act
of 1965 (20 U.S.C. 6455(9)) is amended by
striking “, such as funds under the Job Train-
ing Partnership Act,” and inserting “, such as

1 funds made available under the Employment,
2 Training, and Literacy Enhancement Act,”.

3 (18) FREEDOM SUPPORT ACT.—The last sen-
4 tence of section 505 of the FREEDOM Support Act
5 (22 U.S.C. 5855) is amended by striking “, through
6 the Defense Conversion” and all that follows
7 through “or through” and inserting “or through”.

8 (19) INTERNAL REVENUE CODE OF 1986.—

9 (A) SECTION 42.—Section
10 42(i)(3)(D)(i)(II) of the Internal Revenue Code
11 of 1986 is amended by striking “Job Training
12 Partnership Act” and inserting “title II, III, or
13 IV of the Employment, Training, and Literacy
14 Enhancement Act”.

15 (B) SECTION 6334.—Section 6334(a)(12)
16 of the Internal Revenue Code of 1986 is
17 amended to read as follows:

18 “(12) ASSISTANCE UNDER THE EMPLOYMENT,
19 TRAINING, AND LITERACY ENHANCEMENT ACT.—
20 Any amount payable to a participant under title II,
21 III, or IV of the Employment, Training, and Lit-
22 eracy Enhancement Act from funds appropriated
23 under such Act.”.

24 (20) EMERGENCY JOBS AND UNEMPLOYMENT
25 ASSISTANCE ACT OF 1974.—

1 (A) SECTION 204.—Section 204(b) of the
2 Emergency Jobs and Unemployment Assistance
3 Act of 1974 (26 U.S.C. 3304 note) is amended
4 by striking “designate as an area” and all that
5 follows and inserting “designate as an area
6 under this section an area that is a local
7 workforce development area under the Employ-
8 ment, Training, and Literacy Enhancement
9 Act.”.

10 (B) SECTION 223.—Section 223 of the
11 Emergency Jobs and Unemployment Assistance
12 Act of 1974 (26 U.S.C. 3304 note) is amend-
13 ed—

14 (i) in paragraph (3), by striking “as-
15 sistance provided” and all that follows and
16 inserting “assistance provided under the
17 Employment, Training, and Literacy En-
18 hancement Act;”; and

19 (ii) in paragraph (4), by striking
20 “funds provided” and all that follows and
21 inserting “funds provided under the Em-
22 ployment, Training, and Literacy Enhance-
23 ment Act;”.

24 (21) REHABILITATION ACT.—Section 612(b) of
25 the Rehabilitation Act of 1973 (29 U.S.C. 795a(b))

1 is amended by striking “the Job Training Partner-
2 ship Act” and inserting “the Employment, Training,
3 and Literacy Enhancement Act”.

4 (22) JOB TRAINING REFORM AMENDMENTS OF
5 1992.—Section 701 of the Job Training Reform
6 Amendments of 1992 (29 U.S.C. 1501 note) is re-
7 pealed.

8 (23) PUBLIC LAW 98–524.—Section 7 of Public
9 Law 98–524 (29 U.S.C. 1551 note) is repealed.

10 (24) VETERANS’ BENEFITS AND PROGRAMS IM-
11 PROVEMENT ACT OF 1988.—Section 402 of the Vet-
12 erans’ Benefits and Programs Improvement Act of
13 1988 (29 U.S.C. 1721 note) is amended—

14 (A) in subsection (a), by striking “title III
15 of the Job Training Partnership Act (29 U.S.C.
16 1651 et seq.)” and inserting “the Employment,
17 Training, and Literacy Enhancement Act”;

18 (B) in subsection (c), by striking “Train-
19 ing, in consultation with the office designated
20 or created under section 322(b) of the Job
21 Training Partnership Act,” and inserting
22 “Training”; and

23 (C) in subsection (d)—

24 (i) in paragraph (1), by striking
25 “under—” and all that follows through

1 “the Veterans’” and inserting “under the
2 Veterans’”; and

3 (ii) in paragraph (2), by striking
4 “Employment and training” and all that
5 follows and inserting “Employment, train-
6 ing, and literacy activities under the Em-
7 ployment, Training, and Literacy Enhance-
8 ment Act.”.

9 (25) VETERANS’ JOB TRAINING ACT.—

10 (A) SECTION 13.—Section 13(b) of the
11 Veterans’ Job Training Act (29 U.S.C. 1721
12 note) is amended by striking “assistance under
13 the Job Training Partnership Act (29 U.S.C.
14 1501 et seq.)” and inserting “assistance under
15 the Employment, Training, and Literacy En-
16 hancement Act”.

17 (B) SECTION 14.—Section
18 14(b)(3)(B)(i)(II) of the Veterans’ Job Train-
19 ing Act (29 U.S.C. 1721 note) is amended by
20 striking “under part C of title IV of the Job
21 Training Partnership Act (29 U.S.C. 1501 et
22 seq.)” and inserting “under the Employment,
23 Training, and Literacy Enhancement Act”.

1 (C) SECTION 15.—Section 15(c)(2) of the
2 Veterans’ Job Training Act (29 U.S.C. 1721
3 note) is amended—

4 (i) in the second sentence, by striking
5 “part C of title IV of the Job Training
6 Partnership Act (29 U.S.C. 1501 et seq.)”
7 and inserting “the Employment, Training,
8 and Literacy Enhancement Act”; and

9 (ii) in the third sentence, by striking
10 “title III of”.

11 (26) WORKER ADJUSTMENT AND RETRAINING
12 NOTIFICATION ACT.—Section 3(a)(2) of the Worker
13 Adjustment and Retraining Notification Act (29
14 U.S.C. 2102(a)(2)) is amended by striking “the Job
15 Training Partnership Act” and inserting “title II,
16 III, or IV of the Employment, Training, and Lit-
17 eracy Enhancement Act”.

18 (27) TITLE 31, UNITED STATES CODE.—Section
19 6703(a) of title 31, United States Code, is amended
20 by striking paragraph (4) and inserting the follow-
21 ing:

22 “(4) Programs under title III or IV of the Em-
23 ployment, Training, and Literacy Enhancement
24 Act.”.

1 (28) VETERANS’ REHABILITATION AND EDU-
2 CATION AMENDMENTS OF 1980.—Section 512 of the
3 Veterans’ Rehabilitation and Education Amend-
4 ments of 1980 (38 U.S.C. 4101 note) is amended by
5 striking “the Comprehensive Employment and
6 Training Act (29 U.S.C. et seq.),” and inserting
7 “the Employment, Training, and Literacy Enhance-
8 ment Act,”.

9 (29) TITLE 38, UNITED STATES CODE.—

10 (A) SECTION 4102A.—Section 4102A(d) of
11 title 38, United States Code, is amended by
12 striking “the Job Training Partnership Act”
13 and inserting “the Employment, Training, and
14 Literacy Enhancement Act”.

15 (B) SECTION 4103A.—Section 4103A(c)(4)
16 of title 38, United States Code, is amended by
17 striking “Job Training Partnership Act (29
18 U.S.C. 1501 et seq.))” and inserting “Employ-
19 ment, Training, and Literacy Enhancement
20 Act”.

21 (C) SECTION 4213.—Section 4213 of title
22 38, United States Code, is amended by striking
23 “Job Training Partnership Act (29 U.S.C.
24 1501 et seq.),” and inserting “Employment,
25 Training, and Literacy Enhancement Act,”.

1 (30) UNITED STATES HOUSING ACT.—Section
2 23 of the United States Housing Act of 1937 (42
3 U.S.C. 1437u) is amended—

4 (A) in subsection (b)(2)(A), by striking
5 “the Job Training” and all that follows through
6 “or the” and inserting “the Employment,
7 Training, and Literacy Enhancement Act or
8 the”;

9 (B) in the first sentence of subsection
10 (f)(2), by striking “programs under the” and
11 all that follows through “and the” and inserting
12 “programs under title II, III, or IV of the Em-
13 ployment, Training, and Literacy Enhancement
14 Act and the”; and

15 (C) in subsection (g)—

16 (i) in paragraph (2), by striking “pro-
17 grams under the” and all that follows
18 through “and the” and inserting “pro-
19 grams under title II, III, or IV of the Em-
20 ployment, Training, and Literacy Enhance-
21 ment Act and the”; and

22 (ii) in paragraph (3)(H), by striking
23 “program under” and all that follows
24 through “and any other” and inserting
25 “program under title II, III, or IV of the

1 Employment, Training, and Literacy En-
2 hancement Act and any other”.

3 (31) HOUSING ACT OF 1949.—Section 504(c)(3)
4 of the Housing Act of 1949 (42 U.S.C. 1474(c)(3))
5 is amended by striking “pursuant to” and all that
6 follows through “or the” and inserting “pursuant to
7 the Employment, Training, and Literacy Enhance-
8 ment Act or the”.

9 (32) OLDER AMERICANS ACT OF 1965.—

10 (A) SECTION 203.—Section 203 of the
11 Older Americans Act of 1965 (42 U.S.C. 3013)
12 is amended—

13 (i) in subsection (a)(2), by striking
14 the last sentence and inserting the follow-
15 ing: “In particular, the Secretary of Labor
16 and the Secretary of Education shall con-
17 sult and cooperate with the Assistant Sec-
18 retary in carrying out the Workforce and
19 Career Development Act of 1996.”; and

20 (ii) in subsection (b), by striking para-
21 graph (1) and inserting the following:

22 “(1) the Employment, Training, and Literacy
23 Enhancement Act,”.

1 (B) SECTION 502.—Section 502 of the
2 Older Americans Act of 1965 (42 U.S.C. 3056)
3 is amended—

4 (i) in subsection (b)(1)(N)(i) (as
5 amended by subsection (i)(10)(A)), by
6 striking “the Job Training Partnership
7 Act (29 U.S.C. 1501 et seq.)” and insert-
8 ing “the Employment, Training, and Lit-
9 eracy Enhancement Act”; and

10 (ii) in subsection (e)(2)(C), by strik-
11 ing “programs carried out under section
12 124 of the Job Training Partnership Act
13 (29 U.S.C. 1534)” and inserting “employ-
14 ment and training activities carried out
15 under title III of the Employment, Train-
16 ing, and Literacy Enhancement Act”.

17 (C) SECTION 503.—Section 503(b)(1) of
18 the Older Americans Act of 1965 (42 U.S.C.
19 3056a(b)(1)) is amended by striking “the Job
20 Training Partnership Act,” each place it ap-
21 pears and inserting “the Employment, Train-
22 ing, and Literacy Enhancement Act,”.

23 (33) OMNIBUS CRIME CONTROL AND SAFE
24 STREETS ACT OF 1968.—Section 1801(b)(3) of the
25 Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3796ee(b)(3)) is amended by strik-
2 ing “Job Training Partnership Act (relating to Job
3 Corps) (29 U.S.C. 1691 et seq.)” and inserting
4 “Employment, Training, and Literacy Enhancement
5 Act”.

6 (34) ENVIRONMENTAL PROGRAMS ASSISTANCE
7 ACT OF 1984.—The second sentence of section 2(a)
8 of the Environmental Programs Assistance Act of
9 1984 (42 U.S.C. 4368a(a)) is amended by striking
10 “Job Training Partnership Act” and inserting “Em-
11 ployment, Training, and Literacy Enhancement
12 Act”.

13 (35) DOMESTIC VOLUNTEER SERVICE ACT OF
14 1973.—

15 (A) SECTION 103.—Section 103(d) of the
16 Domestic Volunteer Service Act of 1973 (42
17 U.S.C. 4953(d)) is amended—

18 (i) in the heading, by striking “PRI-
19 VATE INDUSTRY COUNCILS UNDER THE
20 JOB TRAINING PARTNERSHIP ACT” and
21 inserting “WORKFORCE DEVELOPMENT
22 BOARDS UNDER THE EMPLOYMENT,
23 TRAINING, AND LITERACY ENHANCEMENT
24 ACT”; and

1 (ii) in the second sentence to read as
2 follows: “Whenever feasible, such efforts
3 shall be coordinated with a local workforce
4 development board established under sec-
5 tion 122 of the Employment, Training,
6 and Literacy Enhancement Act.”.

7 (B) SECTION 109.—Subsections (c)(2) and
8 (d)(2) of section 109 of the Domestic Volunteer
9 Service Act of 1973 (42 U.S.C. 4959) is
10 amended by striking “Job Training Partnership
11 Act” and inserting “Employment, Training,
12 and Literacy Enhancement Act”.

13 (36) AGE DISCRIMINATION ACT OF 1975.—Sec-
14 tion 304(c)(1) of the Age Discrimination Act of
15 1975 (42 U.S.C. 6103(c)(1)) is amended by striking
16 “the Comprehensive Employment and Training Act
17 of 1974 (29 U.S.C. 801, et seq.), as amended,” and
18 inserting “the Employment, Training, and Literacy
19 Enhancement Act”.

20 (37) ENERGY CONSERVATION AND PRODUCTION
21 ACT.—Section 414(b)(3) of the Energy Conservation
22 and Production Act (42 U.S.C. 6864(b)(3)) is
23 amended by striking “the Job Training Partnership
24 Act” and inserting “the Employment, Training, and
25 Literacy Enhancement Act”.

1 (38) NATIONAL ENERGY CONSERVATION POLICY
2 ACT.—Section 233 of the National Energy Con-
3 servation Policy Act (42 U.S.C. 6873) is amended,
4 in the matter preceding paragraph (1), by striking
5 “the Job Training Partnership Act” and inserting
6 “the Employment, Training, and Literacy Enhance-
7 ment Act”.

8 (39) COMMUNITY ECONOMIC DEVELOPMENT
9 ACT OF 1981.—Section 617(a)(3) of the Community
10 Economic Development Act of 1981 (42 U.S.C.
11 9806(a)(3)) is amended by striking “activities such
12 as those described in the Comprehensive Employ-
13 ment and Training Act” and inserting “employment
14 and training activities described in the Employment,
15 Training, and Literacy Enhancement Act”.

16 (40) STEWART B. MCKINNEY HOMELESS AS-
17 SISTANCE ACT.—Section 103(b)(2) of the Stewart B.
18 McKinney Homeless Assistance Act (42 U.S.C.
19 11302(b)(2)) is amended by striking “the Job
20 Training Partnership Act” and inserting “the Em-
21 ployment, Training, and Literacy Enhancement
22 Act”.

23 (41) NATIONAL AND COMMUNITY SERVICE ACT
24 OF 1990.—

1 (A) SECTION 177.—Section 177(d) of the
2 National and Community Service Act of 1990
3 (42 U.S.C. 12637(d)) is amended by striking
4 “Job Training Partnership Act” each place it
5 appears and inserting “Employment, Training,
6 and Literacy Enhancement Act”.

7 (B) SECTION 198C.—Section 198C of the
8 National and Community Service Act of 1990
9 (42 U.S.C. 12653c) is amended—

10 (i) in subsection (b)(1), by striking “a
11 military installation described in section
12 325(e)(1) of the Job Training Partnership
13 Act (29 U.S.C. 1662d(e)(1)).” and insert-
14 ing “a military installation being closed or
15 realigned under—

16 “(A) the Defense Base Closure and Re-
17 alignment Act of 1990 (part A of title XXIX of
18 Public Law 101–510; 10 U.S.C. 2687 note);
19 and

20 “(B) title II of the Defense Authorization
21 Amendments and Base Closure and Realign-
22 ment Act (Public Law 100–526; 10 U.S.C.
23 2687 note).”; and

24 (ii) in subsection (e)(1)(B), by strik-
25 ing clause (iii) and inserting the following:

1 “(iii) an at-risk youth (as defined in sec-
2 tion 4 of the Employment, Training, and Lit-
3 eracy Enhancement Act).”.

4 (C) SECTION 199L.—Section 199L(a) of
5 the National and Community Service Act of
6 1990 (42 U.S.C. 12655m(a)) is amended by
7 striking “the Job Training Partnership Act (29
8 U.S.C. 1501 et seq.)” and inserting “the Em-
9 ployment, Training, and Literacy Enhancement
10 Act”.

11 (42) CRANSTON-GONZALEZ NATIONAL AFFORD-
12 ABLE HOUSING ACT.—

13 (A) SECTION 454.—Subparagraphs (H)
14 and (M) of subsection (c)(2), and subsection
15 (d)(7), of section 454 of the Cranston-Gonzalez
16 National Affordable Housing Act (42 U.S.C.
17 12899c) are amended by striking “the Job
18 Training Partnership Act” and inserting “the
19 Employment, Training, and Literacy Enhance-
20 ment Act”.

21 (B) SECTION 456.—The first sentence of
22 section 456(e) of the Cranston-Gonzalez Na-
23 tional Affordable Housing Act (42 U.S.C.
24 12899e(e)) is amended by striking “the Job
25 Training Partnership Act” each place it ap-

1 pears and inserting “Employment, Training,
2 and Literacy Enhancement Act”.

3 (43) VIOLENT CRIME CONTROL AND LAW EN-
4 FORCEMENT ACT OF 1994.—Section 31113(a)(4)(C)
5 of the Violent Crime Control and Law Enforcement
6 Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended
7 by inserting after “the Job Training Partnership
8 Act (29 U.S.C. 1501 et seq.)” the following: “, title
9 II, III, or IV of the Employment, Training, and Lit-
10 eracy Enhancement Act,”.

11 **TITLE X—EFFECTIVE DATE AND** 12 **TRANSITION PROVISIONS**

13 **SEC. 1001. EFFECTIVE DATE.**

14 This division and the amendments made by this divi-
15 sion shall take effect on July 1, 1998.

16 **SEC. 1002. TRANSITION PROVISIONS.**

17 The Secretary of Education and the Secretary of
18 Labor, as appropriate, shall take such steps as such Sec-
19 retaries determine to be appropriate to provide for the or-
20 derly transition from any authority under provisions of law
21 amended or repealed by this division or any related au-
22 thority under the provisions of this division.

**DIVISION B—VOCATIONAL
REHABILITATION PROGRAMS
TITLE XXI—AMENDMENTS TO
GENERAL PROVISIONS**

SEC. 2101. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

- (1) in subsection (b), by striking “, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42),”; and
- (2) by striking subsection (c).

SEC. 2102. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended—

- (1) by striking paragraph (12);
- (2) in paragraph (15)(A), by inserting a comma after “subparagraph (B) or (C)”;
- (3) by adding at the end the following:

“(36) The term ‘administrative costs’ means—

“(A) expenditures not incurred by the State unit for—

“(i) rehabilitation counselors;

“(ii) rehabilitation case coordinators; or

“(iii) other direct service personnel; and

1 “(B) notwithstanding subparagraph (A) in-
2 cludes expenditures incurred by the State unit in the
3 performance of administrative functions under the
4 vocational rehabilitation program, including expenses
5 related to program planning, development, monitor-
6 ing, and evaluation, including—

7 “(i) quality assurance;

8 “(ii) budgeting, accounting, financial man-
9 agement, information systems, and related data
10 processing;

11 “(iii) providing information about the pro-
12 gram to the public;

13 “(iv) technical assistance to other State
14 agencies, private nonprofit organizations, and
15 businesses and industries;

16 “(v) the State Rehabilitation Advisory
17 Council and other advisory committees;

18 “(vi) professional organization membership
19 dues for State unit employees;

20 “(vii) the removal architectural barriers in
21 State vocational rehabilitation agency offices
22 and State operated rehabilitation facilities;

23 “(viii) operating and maintaining State
24 unit facilities, equipment, and grounds;

25 “(ix) supplies;

1 “(x) administration of the comprehensive
2 system of personnel development, including per-
3 sonnel administration, administration of affirm-
4 ative action plans, and training and staff devel-
5 opment, administrative salaries, including cleri-
6 cal and other support staff salaries, in support
7 of these functions;

8 “(xi) travel costs related to carrying out
9 the program, other than travel costs related to
10 the provision of services;

11 “(xii) costs incurred in conducting reviews
12 of rehabilitation counselor or coordinator deter-
13 minations; and

14 “(xiii) legal expenses required in the ad-
15 ministration of the program.”; and

16 (4) by redesignating paragraphs (36), (22),
17 (23), (24), (25), (1), (2), (3), (26), (4), (5), (6),
18 (27), (7), (28), (29), (30), (20), (21), (8), (31),
19 (15), (32), (9), (10), (33), (11), (19), (13), (14),
20 (16), (18), (34), (35), and (17) as paragraphs (1)
21 through (35), respectively.

1 **TITLE XXII—AMENDMENTS TO**
2 **VOCATIONAL REHABILITA-**
3 **TION SERVICES**

4 **Subtitle A—General Provisions**

5 **SEC. 2201. DECLARATION OF POLICY; AUTHORIZATION OF**
6 **APPROPRIATIONS.**

7 Section 100(b) of the Rehabilitation Act of 1973 (29
8 U.S.C. 720(b)) is amended in each of paragraphs (1) and
9 (2) by striking “fiscal years 1993 through 1997” and in-
10 serting “fiscal years 1998, 1999 and 2000”.

11 **SEC. 2202. STATE PLANS.**

12 Section 101(a) of the Rehabilitation Act of 1973 (29
13 U.S.C. 721(a)) is amended—

14 (1) in paragraph (4)—

15 (A) by striking “, except that in the case”
16 and inserting “, except that—
17 “(A) in the case”;

18 (B) by striking “to the extent permitted by
19 such regulations,”;

20 (C) by inserting “and” after the semicolon;
21 and

22 (D) by adding at the end the following:

23 “(B) in the case of earmarked funds used as
24 the State match for Federal funds, where such funds

1 are earmarked for particular geographic areas within
2 a State;”;

3 (2) in clauses (i) and (ii) of paragraph (5)(A),
4 by striking “,” each place it appears and inserting
5 a comma;

6 (3) in paragraph (7)(A)—

7 (A) by striking clause (i)(II) and all that
8 follows;

9 (B) by striking “which shall include—
10 “(i) a description” and inserting “which shall
11 include a description”;

12 (C) by striking “on an annual basis

13 “(I) the number and type” and inserting
14 “on an annual basis the number and type”; and

15 (D) by striking “counselors to clients;
16 and” and inserting “counselors to clients;”;

17 (4) in paragraph (8), by striking “required—”
18 and all that follows through “(B) prior” and insert-
19 ing “required prior”;

20 (5) in paragraph (9)(B), by inserting at the end
21 before the semicolon the following: “, or other lim-
22 ited written program where otherwise requested by
23 the individual”;

24 (6) by striking paragraph (10);

25 (7) in paragraph (11)(A)—

1 (A) by striking “(20 U.S.C. 2301 et seq.),
2 and” and inserting “(20 U.S.C. 2301 et seq.)”;
3 and

4 (B) by inserting after “1938” the follow-
5 ing: “, and State use contracting programs”;

6 (8) by striking paragraph (13);

7 (9) in paragraph (16)(C), by striking “inte-
8 grated employment” and all that follows and insert-
9 ing “integrated competitive employment.”;

10 (10) by striking paragraph (17);

11 (11) in paragraph (18)—

12 (A) by striking “(18) provide” and insert-
13 ing “(18)(A) provide”;

14 (B) by striking “section 112;” and insert-
15 ing “section 112; and”; and

16 (C) by adding at the end the following:

17 “(B) in the case of the designated State unit, will
18 take actions to take such views into account that include
19 providing timely notice, holding public hearings, preparing
20 a summary of hearing comments, and documenting and
21 disseminating information relating to the manner in which
22 the comments will affect services.”;

23 (12) by striking paragraph (23);

24 (13) in paragraph (25), by striking “Secretary”
25 and inserting “Commissioner”;

1 (14) in paragraph (28)—

2 (A) by striking “and utilization”; and

3 (B) by adding at the end before the semi-
4 colon the following: “and State use contracting
5 programs”;

6 (15) by striking paragraph (30);

7 (16) in paragraph (33), by striking “and work-
8 ing relationships”;

9 (17) in paragraph (36)—

10 (A) in subparagraph (B)(i), by moving the
11 margin two ems to the left; and

12 (B) in clauses (i), (ii), and (iii) of subpara-
13 graph (C) (including subclause (II) of each of
14 such clauses (ii) and (iii)), by moving the mar-
15 gin two ems to the left; and

16 (18) by redesignating paragraphs (11), (12),
17 (14), (15), (16), (18) through (22), (24) through
18 (29), and (31) through (36) as paragraphs (10)
19 through (31), respectively.

20 **SEC. 2203. INDIVIDUALIZED WRITTEN REHABILITATION**
21 **PROGRAM.**

22 Section 102 of the Rehabilitation Act of 1973 (29
23 U.S.C. 722) is amended—

24 (1) in subsection (a)(5)—

25 (A) by striking subparagraph (B);

1 (B) by striking “(A)”; and

2 (C) by redesignating clauses (i) and (ii) as
3 subparagraphs (A) and (B), respectively;

4 (2) in subsection (b)(1)—

5 (A) in subparagraph (A)—

6 (i) in clause (i)(II), by striking “and”
7 at the end; and

8 (ii) by inserting after clause (i)(II) the
9 following:

10 “except where the individual requests a limited
11 written program developed by the individuals de-
12 scribed in this clause; and”;

13 (B) in subparagraph (B)(ii), by striking
14 “section 7(22)(B)” and inserting “subpara-
15 graph (B) or (C) of section 7(22)”;

16 (C) by redesignating subparagraph (C) as
17 subparagraph (D);

18 (D) by inserting after subparagraph (B),
19 as amended by this Act, the following:

20 “(C) Each limited written program shall
21 contain such statements and information deter-
22 mined to be appropriate by the individuals de-
23 scribed in subparagraph (A)(i).”; and

24 (E) in subparagraph (D) (as redesignated),
25 by striking “and amendments to the program”

1 and inserting “or limited written program and
2 amendments to such program; and

3 (3) in subsection (d)(6)(A), by striking the sec-
4 ond sentence.

5 **SEC. 2204. SCOPE OF VOCATIONAL REHABILITATION SERV-**
6 **ICES.**

7 Section 103(a) of the Rehabilitation Act of 1973 (29
8 U.S.C. 723(a)) is amended—

9 (1) by striking paragraphs (7) and (11); and

10 (2) by redesignating paragraphs (8) through
11 (10) and paragraphs (12) through (16) as para-
12 graphs (7) through (14), respectively.

13 **SEC. 2205. STATE REHABILITATION ADVISORY COUNCIL.**

14 Section 105 of the Rehabilitation Act of 1973 (29
15 U.S.C. 725) is amended by striking subsection (i).

16 **SEC. 2206. EVALUATION STANDARDS AND PERFORMANCE**
17 **INDICATORS.**

18 Section 106(a) of the Rehabilitation Act of 1973 (29
19 U.S.C. 726(a)) is amended—

20 (1) in paragraph (1), by adding at the end the
21 following: “After such date, the Commissioner shall
22 review and, if necessary, revise the evaluation stand-
23 ards and performance indicators every three years.
24 Any necessary revisions shall be developed with
25 input from State vocational rehabilitation agencies,

1 related professional and consumer organizations, re-
2 cipients of vocational rehabilitation services, and
3 other interested parties. Any proposed revisions shall
4 be subject to the notice, publication, and comment
5 provisions described in paragraph (3).”; and

6 (2) by adding at the end the following:

7 “(4) SPECIFIC STANDARDS AND INDICATORS.—

8 The Secretary shall at minimum develop standards
9 and indicators for the following topic areas and spe-
10 cific standards and indicators:

11 “(A) Administrative costs and other ex-
12 penditures by each State unit expressed on a
13 percentage basis of total costs, including costs
14 defined in section 7(1).

15 “(B) Provision of services to individuals
16 with disabilities who are eligible for services
17 under the Individuals with Disabilities Edu-
18 cation Act (20 U.S.C. 1400 et seq.), section
19 504 of this Act, and the Americans with Dis-
20 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
21 including:

22 “(i) the number of individuals with in-
23 dividualized written rehabilitation pro-
24 grams or limited written programs who
25 also currently possess individualized edu-

1 cation programs under parts A and B of
2 Individuals with Disabilities Education Act
3 (20 U.S.C. 1400 et seq.);

4 “(ii) the number of individuals who
5 possess individualized education programs
6 under the Individuals with Disabilities
7 Education Act (20 U.S.C. 1400 et seq.)
8 who have received an individualized written
9 rehabilitation program or limited written
10 program during the previous year;

11 “(iii) the number of individuals with
12 disabilities with individualized written re-
13 habilitation programs or limited written
14 programs who are secondary education stu-
15 dents but are not eligible for services under
16 the Individuals with Disabilities Education
17 Act (20 U.S.C. 1400 et seq.); and

18 “(iv) the number of individuals with
19 disabilities who are secondary education
20 students who have received an individual-
21 ized written rehabilitation program or lim-
22 ited written program but are not eligible
23 for services under the Individuals with Dis-
24 abilities Education Act (20 U.S.C. 1400 et
25 seq.);

1 “(C) Utilization of community rehabilita-
2 tion programs under the Act commonly known
3 as the Wagner-O’Day Act (41 U.S.C. 46 et
4 seq.), and State use contracting programs, in-
5 cluding—

6 “(i) the number of blind and other in-
7 dividuals with individualized written reha-
8 bilitation programs or limited written pro-
9 grams who are utilizing community reha-
10 bilitation programs under the Act com-
11 monly known as the Wagner-O’Day Act
12 (41 U.S.C. 46 et seq.);

13 “(ii) the number of individuals with
14 individualized written rehabilitation pro-
15 grams or limited written programs who are
16 utilizing community rehabilitation pro-
17 grams under State use contracting pro-
18 grams;

19 “(iii) the number of blind and other
20 individuals with individualized written re-
21 habilitation programs or limited written
22 programs who started utilizing community
23 rehabilitation programs under the Act
24 commonly known as the Wagner-O’Day

1 Act (41 U.S.C. 46 et seq.) during the pre-
2 vious year; and

3 “(iv) the number of individuals with
4 individualized written rehabilitation pro-
5 grams or limited written programs who
6 started utilizing community rehabilitation
7 programs under State use contracting pro-
8 grams during the previous year.”.

9 **SEC. 2207. MONITORING AND REVIEW.**

10 Section 107(a) of the Rehabilitation Act of 1973 (29
11 U.S.C. 727(a)) is amended by adding at the end the fol-
12 lowing:

13 “(5) MONITORING AND REVIEW REPORTS.—
14 Any reports detailing the findings of the annual re-
15 views and periodic on-site monitoring visits shall be
16 made available to the State Rehabilitation Advisory
17 Council for use in the development and modification
18 of the State plan.”.

19 **Subtitle B—Basic Vocational**
20 **Rehabilitation Services**

21 **SEC. 2211. STATE ALLOTMENTS.**

22 Section 110(d)(2) of the Rehabilitation Act of 1973
23 (29 U.S.C. 730(d)(2)) is amended—

1 (1) by striking “the Secretary—” and all that
2 follows through “(B) not less than” and inserting
3 “the Secretary, not less than”; and

4 (2) by striking “fiscal years 1995, 1996, and
5 1997” and inserting “fiscal years 1998, 1999, and
6 2000”.

7 **SEC. 2212. PAYMENTS TO STATES.**

8 Section 111(a)(2)(B) of the Rehabilitation Act of
9 1973 (29 U.S.C. 731(a)(2)(B)) is amended—

10 (1) by striking clause (i); and

11 (2) by striking “(ii)”.

12 **SEC. 2213. CLIENT ASSISTANCE PROGRAM.**

13 Section 112(h) of the Rehabilitation Act of 1973 (29
14 U.S.C. 732(h)) is amended by striking “fiscal years 1993
15 through 1997” and inserting “fiscal years 1998, 1999,
16 and 2000”.

17 **TITLE XXIII—AMENDMENTS TO**
18 **RESEARCH AND TRAINING**

19 **SEC. 2221. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 201(a) of the Rehabilitation Act of 1973 (29
21 U.S.C. 761(a)) is amended—

22 (1) in paragraph (1), by striking “each of the
23 fiscal years 1993 through 1997” and inserting “fis-
24 cal years 1998, 1999, and 2000”; and

(2) in paragraph (2), by striking “each of the fiscal years 1993 through 1997” and inserting “fiscal years 1998, 1999, and 2000”.

SEC. 2222. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(c) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)) is amended—

(1) by striking “, except that” and all that follows through “regular technical and professional employees of the Institute”; and

(2) by redesignating paragraph (4) as paragraph (2).

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

SEC. 2231. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 771a) is amended—

(1) in subsection (b)(1)(B)(iv), by moving the margin two ems to the left;

(2) by striking subsection (e);

(3) in subsection (g)(3)(A)—

1 (A) in clause (ii), by adding “and” at the
2 end;

3 (B) in clause (iii), by striking “; and” and
4 inserting a period; and

5 (C) by striking clause (iv); and

6 (4) in subsection (h), by striking “fiscal years
7 1993 through 1997” and inserting “fiscal years
8 1998, 1999, and 2000”; and

9 (5) by redesignating subsections (f) through (i)
10 as subsections (e) through (h), respectively.

11 **SEC. 2232. REPEALERS.**

12 (a) IN GENERAL.—Sections 303, 304, 305, and 306
13 of the Rehabilitation Act of 1973 (29 U.S.C. 772, 773,
14 775, and 776) are hereby repealed.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents of such Act (29 U.S.C. 701 note) is amended by
17 striking the items relating to sections 303, 304, 305, and
18 306.

19 **SEC. 2233. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—Section 310 of the Rehabilitation
21 Act of 1973 (29 U.S.C. 777) is amended—

22 (1) by striking “each of the fiscal years 1993
23 through 1997” and inserting “fiscal years 1998 and
24 1999”;

1 (2) by redesignating such section as section
2 303; and

3 (3) by inserting such section after section 302.

4 (b) CONFORMING AMENDMENT.—The table of con-
5 tents of such Act (29 U.S.C. 701 note) is amended—

6 (1) by striking the item relating to section 310
7 (as such section was in effect prior to the redesigna-
8 tion of such section under subsection (a)(2)); and

9 (2) by inserting after the item relating to sec-
10 tion 302 the following:

“Sec. 303. Authorization of appropriations.”.

11 **Subtitle B—Special Projects and** 12 **Supplementary Services**

13 **SEC. 2241. SPECIAL DEMONSTRATION PROGRAMS**

14 Section 311 of the Rehabilitation Act of 1973 (29
15 U.S.C. 777a) is amended—

16 (1) in subsection (a), by striking “Subject to
17 the provisions of section 306, the” and inserting
18 “The”;

19 (2) by striking subsection (b);

20 (3) in subsections (c) and (d), by striking “fis-
21 cal years 1993 through 1997” each place it appears
22 and inserting “fiscal years 1998, 1999, and 2000”

23 (4) by striking subsection (e); and

24 (5) by redesignating subsections (c), (d), and
25 (f) as subsections (b), (c), and (d), respectively.

1 **SEC. 2242. MIGRATORY WORKERS.**

2 Section 312(b) of the Rehabilitation Act of 1973 (29
3 U.S.C. 777b(b)) is amended by striking “fiscal years 1993
4 through 1997” and inserting “fiscal years 1998, 1999,
5 and 2000”.

6 **SEC. 2243. REPEALERS.**

7 (a) IN GENERAL.—Sections 314 and 315 of the Re-
8 habilitation Act of 1973 (29 U.S.C. 777d and 777e) are
9 hereby repealed.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents of such Act (29 U.S.C. 701 note) is amended by
12 striking the items relating to sections 314 and 315.

13 **SEC. 2244. SPECIAL RECREATIONAL PROGRAMS.**

14 (a) IN GENERAL.—Section 316 of the Rehabilitation
15 Act of 1973 (29 U.S.C. 777f) is amended—

16 (1) in subsection (b), by striking “fiscal years
17 1993 through 1997” and inserting “fiscal years
18 1998, 1999, and 2000”;

19 (2) by redesignating such section as section
20 313; and

21 (3) by inserting such section after section 312,
22 as amended by this Act.

23 (b) CONFORMING AMENDMENT.—The table of con-
24 tents of such Act (29 U.S.C. 701 note) is amended—

1 (1) by striking the item relating to section 316
 2 (as such section was in effect prior to the redesigna-
 3 tion of such section under subsection (a)(2)); and
 4 (2) by inserting after the item relating to sec-
 5 tion 312 the following:

“Sec. 313. Special recreational programs.”.

6 **TITLE XXV—AMENDMENTS TO**
 7 **NATIONAL COUNCIL ON DIS-**
 8 **ABILITY**

9 **SEC. 2251. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 405 of the Rehabilitation Act of 1973 (29
 11 U.S.C. 785) is amended by striking “fiscal years 1993
 12 through 1997” and inserting “fiscal years 1998, 1999,
 13 and 2000”.

14 **TITLE XXVI—AMENDMENTS TO**
 15 **RIGHTS AND ADVOCACY**

16 **SEC. 2261. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**
 17 **ITIES.**

18 Section 501(a) of the Rehabilitation Act of 1973 (29
 19 U.S.C. 791(a)) is amended in the third sentence by strik-
 20 ing “the Handicapped” and inserting “People With Dis-
 21 abilities”.

22 **SEC. 2262. ARCHITECTURAL AND TRANSPORTATION BAR-**
 23 **RIERS COMPLIANCE BOARD.**

24 Section 502 of the Rehabilitation Act of 1973 (29
 25 U.S.C. 792) is amended—

1 (1) in subsection (a), by striking “Chairperson”
2 and inserting “chairperson”; and

3 (2) in subsection (g)(2), by striking “Commit-
4 tee on Education and Labor” and inserting “Com-
5 mittee on Education and the Workforce”.

6 **SEC. 2263. PROTECTION AND ADVOCACY OF INDIVIDUAL**
7 **RIGHTS.**

8 Section 509 of the Rehabilitation Act of 1973 (29
9 U.S.C. 794e) is amended—

10 (1) by redesignating subsection (n) as sub-
11 section (i);

12 (2) in subsection (l), by striking “Committee on
13 Education and Labor” and inserting “Committee on
14 Education and the Workforce”; and

15 (3) in subsection (m), by striking “each of the
16 fiscal years 1993, 1994, 1995, 1996, and 1997” and
17 inserting “each of the fiscal years 1998, 1999, and
18 2000”.

19 **TITLE XXVII—AMENDMENTS TO**
20 **EMPLOYMENT OPPORTUNI-**
21 **TIES FOR INDIVIDUALS WITH**
22 **DISABILITIES**

23 **SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.**

24 Sections 622 and 638 of the Rehabilitation Act of
25 1973 (29 U.S.C. 795i and 795q) are each amended by

1 striking “each of the fiscal years 1993 through 1997” and
2 inserting “each of the fiscal years 1998, 1999, and 2000”.

3 **SEC. 2272. REPEALERS.**

4 (a) IN GENERAL.—Parts A and D of title VI of the
5 Rehabilitation Act of 1973 (29 U.S.C. 795 et seq. and
6 795r) are hereby repealed.

7 (b) CONFORMING AMENDMENTS.—

8 (1) IN GENERAL.—Parts B and C of title VI of
9 such Act (29 U.S.C. 795g et seq. and 795k et seq.)
10 are redesignated as parts A and B of title VI of
11 such Act, respectively.

12 (2) TABLE OF CONTENTS.—The table of con-
13 tents of such Act (29 U.S.C. 701 note) is amend-
14 ed—

15 (A) by striking the items relating to parts
16 A and D of title VI (as such parts were in ef-
17 fect prior to the repeal of such parts under sub-
18 section (a)); and

19 (B) by redesignating the items relating to
20 parts B and C of title VI (as such parts were
21 in effect prior to the redesignation of such parts
22 under paragraph (1)) as items relating to parts
23 A and B of title VI of such Act, respectively.

1 **TITLE XXVIII—AMENDMENTS TO**
 2 **INDEPENDENT LIVING SERV-**
 3 **ICES AND CENTERS FOR**
 4 **INDEPENDENT LIVING**

5 **SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) SECTIONS 714 AND 727.—Sections 714 and 727
 7 of the Rehabilitation Act of 1973 (29 U.S.C. 796e-3 and
 8 796f-6) are amended by striking “each of the fiscal years
 9 1993, 1994, 1995, 1996, and 1997” and inserting “each
 10 of the fiscal years 1998, 1999, and 2000”.

11 (b) SECTION 753.—Section 753 of such Act (29
 12 U.S.C. 796l) is amended by striking “each of the fiscal
 13 years 1993 through 1997” and inserting “each of the fis-
 14 cal years 1998, 1999, and 2000”.

15 **SEC. 2282. PROGRAM AUTHORIZATION FOR CENTERS FOR**
 16 **INDEPENDENT LIVING.**

17 Section 721(c)(1)(A) of the Rehabilitation Act of
 18 1973 (29 U.S.C. 796f(c)(1)(A)) is amended by striking
 19 “,,” and inserting a comma.

20 **TITLE XXIX—REPEAL OF SPE-**
 21 **CIAL DEMONSTRATIONS AND**
 22 **TRAINING PROJECTS**

23 **SEC. 2291. REPEALER.**

24 (a) IN GENERAL.—Title VIII of the Rehabilitation
 25 Act of 1973 (29 U.S.C. 797 et seq.) is hereby repealed.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of such Act (29 U.S.C. 701 note) is amended by
3 striking the items relating to title VIII.

4 **TITLE XXX—EFFECTIVE DATE**

5 **SEC. 2295. EFFECTIVE DATE.**

6 This division and the amendments made by this divi-
7 sion shall take effect on October 1, 1997.

